



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 22-0355
OCT 12 2022

REPORT RE:

DRAFT 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 DOMESTICATED PET RABBITS TO BE SPAYED OR NEUTERED ON THE SAME BASIS AS DOGS AND CATS, AND MAKING OTHER TECHNICAL CHANGES

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 07-1212-S7

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The ordinance amends Section 53.15.2 of Article 3, Chapter V of the Los Angeles Municipal Code (LAMC) to apply spay and neuter requirements to domesticated pet rabbits in the same manner as currently applicable to dogs and cats. The draft ordinance also amends LAMC Section 53.00 to add a definition for "Pet Rabbit," amends LAMC Section 53.12.2 to make the assessment of civil penalties applicable to impounded pet rabbits that are not spayed or neutered, and amends LAMC Sections 53.06.1 and 53.15 to correctly reference newly amended subsections of LAMC Section 53.15.2.

Summary of Ordinance Provisions

The draft ordinance amends Section 53.15.2 to require a domesticated pet rabbit over the age of six months to be spayed or neutered, unless the rabbit is implanted with

an animal identification device and the owner provides written documentation that one of the following exemptions applies: (1) the rabbit qualifies as a 'show animal'; (2) a licensed veterinarian certifies that the rabbit will be spayed or neutered within 60 days after it reaches the age of six months, the rabbit is too sick or injured to be spayed or neutered until a specified future date, it is unsafe to spay or neuter the rabbit due to old age or a permanent medical condition, or the rabbit has a permanent infirmity that prevents it from reproducing; or (3) the owner has obtained a valid breeding permit. The draft ordinance requires that all impounded rabbits be spayed or neutered and implanted with an animal identification device prior to redemption by an owner, subject to an administrative hearing upon request from the owner. The draft ordinance also sets forth the requirements for obtaining a breeding permit for rabbits. To clarify that the sterilization requirements apply to domesticated pet rabbits rather than rabbits used for commercial, agricultural, or livestock purposes, the draft ordinance amends Section 53.00 to add a new definition for a "Pet Rabbit."

We determined that additional amendments to Section 53.15.2 are needed to avoid inconsistency with other LAMC sections, to delete now-inapplicable language, and to add necessary clarifications. The draft ordinance amends Subsection (c) of Section 53.15.2 to remove references to the sale of dogs, cats, or rabbits that are bred locally or outside the City to avoid a conflict with Section 53.73, which was added to the LAMC in 2012 to prohibit a pet store, retail business, or other commercial establishment from selling a dog, cat, or rabbit unless the animal was obtained from an animal shelter or a humane society located in the City. The draft ordinance also amends Subsection (b) to clarify that the Department of Animal Services (Department) shall not be obligated to sterilize a dog, cat, or rabbit if doing so would jeopardize the animal's health or safety, that the Department is obligated to sterilize an intact animal impounded for a second or subsequent time only if the animal is found running at large, and that the Department is required to make certain findings if an animal owner requests an administrative hearing challenging the sterilization of an impounded animal. The draft ordinance also amends Subsection (d) to clarify that a violation of the breeding permit provisions may be punishable as an infraction. The draft ordinance also removes a now outdated provision that established a 2009 operative date for the sterilization requirements applicable to dogs and cats.

The draft ordinance also amends LAMC Section 53.12.2 to impose civil penalties for unaltered rabbits that are impounded in the same manner currently imposed for unaltered dogs and cats, and amends LAMC Sections 53.06.1 and 53.15 to correctly reference the newly amended version of LAMC Section 53.15.2.

Fee Notice Requirement

We note that, because this ordinance would impose a new fee or increase existing fees, a notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections

of state law require that prior to the adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and second publications, not counting the dates of publication.

CEQA Determination

The Department recommends that, prior to adoption of this ordinance, the City Council determine that the adoption of the ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 because the ordinance would further reduce euthanasia in the City's animal shelters and combat rabbit overpopulation in the City at large. The Department will separately transmit a CEQA Notice of Exemption with an analysis of the categorical exemption.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Steve Houchin at (213) 978-8154. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:SH:ac
Transmittal