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BRENDA F. BARNETTE
General Manager

Report to the Board of Animal Services Commissioners

BRENDA F. BARNETTE, General Manager

COMMISSION MEETING DATE: October 12, 2010 **PREPARED BY:** Brenda Barnette

REPORT DATE: October 6, 2010

TITLE: General Manager

SUBJECT: Increasing Limits on Dogs from Three to Five Per Property and Increasing the Limit on Cats from Three to Five (Indoors) Per Property and Reducing the Number of Guard Dogs to Two Per Property

BOARD ACTION RECOMMENDED:

That the Board request that the Mayor, and subsequently the City Council:

1. Direct the City Attorney to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) Section 53.00 Definitions, to provide that Cat Kennel is defined as six or more cats and Dog Kennel is defined as six or more dogs, as described more fully in the body of this report excluding animals in temporary foster care;
 2. Direct the City Attorney to amend LAMC 53.66 Guard Dogs, to limit the number guard dogs which can be licensed at one premises to two and that no other dogs can be licensed on a premises where one or two guard dogs are licensed; and,
 3. Request that the Planning Department identify other LAMC amendments necessary to ensure consistent change in the Cat Kennel and Dog Kennel definitions and direct the City Attorney to include those changes in the subject ordinance.
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SUMMARY:

Currently, a pet owner in Los Angeles is permitted to keep a maximum of three dogs and three cats over four months of age. This limitation is codified in LAMC Section 53.00 by defining a kennel as having four or more dogs or four or more cats, without regard for the purpose of the kennel as being private or commercial; kennels must be

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permitted (LAMC 53.50) and can be located in a few planning zones, mostly light industrial zones. The last revision to this language was in 1987. Kennel definitions and pet limits appear elsewhere in the LAMC in sections related to land use and zoning.

On June 4, 2010, Councilmember Bill Rosendahl introduced a motion, seconded by Councilmember Paul Koretz, to amend the LAMC to raise the number of dogs and cats that a City resident may own from three to five (Council File No. 10-0982). The motion would increase the number of stray animals that could be placed in homes and it would increase revenue from the additional licenses sold on more dogs. The Public Safety Committee, at their meeting on July 19, 2010, directed the Department to present the proposal to the Board for consideration and report back to Council.

The Department added the provision to reduce the number of guard dogs to two (over the age of 4 months) per property. The Department has observed that a significant number of the guard dogs are not licensed, are not spayed or neutered and that it is not unusual to see too many dogs for one property. Incidents of dog bites are more prevalent if the dogs are not spayed or neutered and there is also more dog to dog aggression among unaltered dogs.

The Department, Found Animals nonprofit, and Best Friends nonprofit did extensive research taking a look at similar communities where there are much higher or no pet limits to study the impact on community safety and animals' lives saved. The Department held two well publicized Town Hall Meetings to hear the thoughts of the community. The Department sent out a news release to local media outlets and others on our contact list and local bloggers picked up the news and helped publicize the events. The first Town Hall Meeting held on September 16, 2010, at the East Valley Center was attended by representatives of three major television stations as well as other news reporters who then helped publicize the second Town Hall Meeting that was held on September 22nd at the West Los Angeles Center. The community members who attended the Town Hall Meetings (approximately 225 total) represented a diverse cross section of our community such as dog trainers, pure-bred dog enthusiasts, rescuers, dog walkers, neighborhood associations, foster care volunteers, department staff and apartment owners. Each person who wanted to speak was allowed 3 minutes to express his/her thoughts. There were a few dissenters, but the community members who attended were overwhelmingly in support of raising the pet limits in Los Angeles.

The Department has not been able to substantiate some of the statements made in opposition to increasing the pet limits. For example, the apartment/condo owners are in unique settings where they impose their own pet limits so having the City increase pet limits will not impact them at all. According to The National Canine Research Council, after two decades of intensive research, they found that "There is a widespread misperception that dogs pose a significant danger, and are becoming increasingly more dangerous. ...Intense media focus on individual incidents has contributed greatly to this misperception". According to Ms. Jade writing for The Dog Press Legislative Reporter

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(2007) in an article titled Dog Bite Statistics, 68% of the fatalities were inflicted by a single dog and not by a pack of free roaming dogs. Further, Over 95% of the deaths by dogs to children under the age of one year occurred with an infant was left unsupervised and of the fatalities for children 2 years old, 87% occurred when the child was left unattended. The single dog attacks occurred by the family dog.

Attached is a document published by Found Animals that supports increased pet limits and show data from a variety of communities for comparison. The Southern California Veterinary Medical Association (SCVMA), representing approximately 1500 veterinarians, voted to support increasing the pet limits to 5 dogs and 5 cats per household.

In the City, as in many other jurisdictions, the number limit for dogs or cats is arbitrary, that is, there is not a specific reason that three cats or three dogs is the limit. In practice, the limit laws are not well known among residents and most pet guardians would learn about the limits only if there were other reasons for an encounter with animal control personnel, such as a complaint made that must be investigated. It appears that in practice we believe that the community should be allowed to have more than three animals because people do have more than three making the current limit law is out of step with current practice. We are unaware of these specific households unless a problem is reported. Generally speaking, and again typical for jurisdictions whether there are limits or no limits, the Department exercises concern about the number of animals at a property principally in connection with cruelty or inhumane conditions, dangerous animals, and nuisances.

Not enforcing the limit law is not appropriate. This undermines the overall authority of government and creates a dangerous precedent. It also makes "criminals" out of many of our rescue partners in the community.

Conversely, there can be situations in which complaints lead to enforcement of limit laws despite a lack of any serious humane or public safety concern, because of neighboring property owner complaints, for example. These and other consequences of a strict and low pet limit could result in pets surrendered to rescue and the Department, thereby increasing pet intake and adding to the number of pets needing new homes.

Changing the law would have the positive inverse effect: it would expand the ability of persons to legally care for more pets and provide a platform for exciting the public about adding a pet to the family from their local animal care center or rescue organization. In the cases that circumstances warrant stricter limitations as a proactive step to protect persons or animals, the LAMC sections on Administrative Hearings could also be amended to provide explicitly that reductions in the number of pets allowed would be a potential condition for re-licensing after violations of barking or dangerous animal regulations. We recommend that the pet limit increase include stating that the five cats

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to be indoors, which benefits the safety of cats and also reduces the possibility of cats being turned to the Department as strays.

Beyond the legitimate need to limit pets where animal or human safety requires action, which can be managed as mentioned above as a condition subsequent to an administrative hearing, any actual benefit of pet limits are difficult to quantify. A jurisdiction with decades of no limits on cats, such as San Diego County, has a higher live release rate than our Department. This suggests that limits in the City do not appear to have had a direct impact on the City's efforts to reduce cat euthanasia. Dog and cat limits are unrelated to animal hoarding and fighting, which in the former case are the manifestation of mental illness and in the latter case deliberate illegal activities.

The Department is committed to improving the humane treatment of animals and increasing the number of pets which are living in loving homes. Austere limits on the number of pets, difficult and restrictive permitting requirements, and laws which may motivate people to avoid licensing dogs for fear of triggering enforcement of limits are not beneficial to animals and will likely hamper efforts to increase pet adoptions and revenue.

Increasing the number of animals that may be maintained on any single premises will increase the possibility of animals being adopted from the Department, and likely decrease intake of strays and surrendered pets over the limit. If residents are allowed to keep more dogs and cats more adoptions and less euthanasia may result.

We learned that raising the pet limits will help us save more animals' lives and will increase revenues through dog licenses. Here are a few facts to consider:

1. Oahu, Hawaii is an island with a high population and limited land mass. If you live in a residential area, you can have no more than ten dogs, aged 4-months or older. There is no law governing the number of cats, birds or other companion animals you may keep.
2. Riverside County's limit is nine cats before a kennel permit is required. San Diego County and Santa Barbara County have no cat limits.
3. The City of Santa Monica has no number limit on either dogs or cats.
4. These cities are not having any increased problems with dangerous dogs or hoarders. In fact, the City Attorney for Santa Monica specifically said that there is no discussion of adding limits.
5. **For the last 10 years, the City of San Diego has not had a cat limit. The limit on dogs is 6. The Live Save rate for San Diego County Animal Services that covers both the City and the County is 82% for dogs and 54% for cats (FY 2008-09 with intake of 48,878). During this same FY 2008-09. The Live Save rate for Los Angeles is 73% for dogs and just under 39% for cats.**

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FISCAL IMPACT:

Licensing of dogs is the City’s mechanism to ensure that dogs are vaccinated and that they receive the proper care. If dog licensing procedures and related regulations are conducive to licensing, the City will licensing more dogs. Increasing pet limits may result in additional revenue as persons with more than three dogs are willing to license the additional dogs without enforcement fears, and this may also highlight an opportunity for other pet enthusiasts to add a companion animal to their families which would result in additional revenue from more dogs and cats adopted and dogs licensed. Currently only about 5% of the (6,000) licensed dogs are from three dog families therefore it is unlikely that there would suddenly be an enormous number of 4 or 5 dog families. In random polling, community members know their limits and self regulate. If the current families who license their dogs added one dog and one dog license, the annual revenue for the City at \$20 per license could be very significant.

COMMENT:

The Mayor and the City Council heard the voices of the community and unanimously appointed me to bring a more progressive animal welfare agenda to the City of Los Angeles. I was directed to help create a more humane community, a safer community and a community that finds non lethal methods to care for the animals residing here in The City of Angels. I commend Council members Rosendahl and Koretz for introducing this humane and life-saving motion and I’m asking you to approve the recommendations contained herein giving me an important tool to do the work I was hired to carry out.

Attachment:

FoundAnimals. Pet Limit Laws. A Brief Summary

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____