



AGENDA REPORT

Meeting Date: January 6, 2009

Item Number: D-1A & D-1B

To: Honorable Mayor & City Council

From: George Chavez, Assistant Director of Community Development
Nestor Otazu, Code Enforcement Manager

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING BY REFERENCE ARTICLE 3 CHAPTER V, ANIMALS AND FOWLS, OF THE LOS ANGELES MUNICIPAL CODE, AND AMENDING CHAPTER 2 OF TITLE 5 OF THE BEVERLY HILLS MUNICIPAL CODE;
AND,

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND CHARGES TO ADJUST THE ANIMAL CONTROL AND SHELTERING SERVICES FEE SCHEDULE FOR FISCAL YEAR 2008/2009

Attachments: 1. Ordinance
2. Resolution

RECOMMENDATION

Staff recommends that City Council hold a public hearing and adopt the proposed Ordinance and the Resolution adopting the 2009 fee schedule for animal control services.

INTRODUCTION

On October 15, 2008, the Los Angeles City Council voted unanimously to move forward with an agreement with the City of Beverly Hills to provide Animal Control and Sheltering Services from their newly constructed West Los Angeles Animal Care Center. Subsequently, in order to ensure consistency in enforcement and operations the Memorandum of Understanding ("MOU") requires that the City of Beverly Hills adopt the Los Angeles animal-related code provisions and the current fee schedule.

As of December 2, 2008 the Beverly Hills City Council authorized the City Manager to execute the Memorandum of Understanding with the City of Los Angeles for Animal Care and Sheltering Services.

DISCUSSION

Ordinance Adopting the Relevant Provisions of the Los Angeles Municipal Code

In order to ensure consistency in enforcement and operations, the MOU requires that Beverly Hills adopt the Los Angeles animal-related code provisions. This will ensure that services, such as licensing services, be seamlessly provided and will assist in avoiding any mistakes or confusion that may occur from using two different versions of the same enforcement tools.

The ordinance, however, does delete or amend certain provisions of the Los Angeles Code that either does not apply (i.e. provisions regarding horse, sentry dogs or animals in the Los Angeles River) or that may be inconsistent with Beverly Hills' zoning or our current ordinance regarding animals. For example, provisions that pertained to maintenance of dog kennels with a permit or breeding were deleted, as Beverly Hills does not allow dog kennels or the breeding of animals within the City limits. Last, the ordinance includes a provision to ensure that where the word "owner" is referenced in the Los Angeles Municipal Code, that it be replaced with the work "guardian." This fulfills the direction of the City Council provided to Staff in March of this year to ensure that the term guardian is used to more accurately reflect the bond that humans and animals have in our present society.

As for the existing Beverly Hills Municipal Code provisions pertaining to animals, some provisions were maintained to ensure that provisions unique to Beverly Hills were maintained and others were deleted so as to not have two provisions on the same subject, which could cause confusion. For example, provisions relating to dog licensing, vaccinations or vicious dogs were deleted from the current Beverly Hills municipal code.

Adoption of the City of Los Angeles Department of Animal Services Fiscal Year 2008-2009 Fee Schedule

The attached fee schedule represents fiscal year 2008-2009 fees proposed to be implemented by the City of Los Angeles in the early part of 2009. These fees will remain in effect through June 30, 2009.

FISCAL IMPACT

The fiscal impact to the City of Beverly Hills is estimated to be \$48,769 for the remainder of Fiscal Year 2008-09 based on an annual service fee is \$97,538. The licensing fees collected will be credited to offset the annual expense. Costs for the excluded services are expected to be \$20,000 annually based on estimates we have received so far. The costs of these services were included in the 2008-2009 budget so an appropriation of funds is not necessary at this time.


Scott G. Miller, Director of
Administrative Services, CFO

Finance Approval


George Chavez, Assistant Director of
Community Development

Approved By

Attachment 1

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING BY REFERENCE ARTICLE 3 OF CHAPTER V, ANIMALS AND FOWLS, OF THE LOS ANGELES MUNICIPAL CODE, AND AMENDING CHAPTER 2 OF TITLE 5 OF THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS ORDAINS AS FOLLOWS:

Section 1. Article 3 of Chapter 2 of Title 5 of the Beverly Hills Municipal Code is hereby repealed.

Section 2. A new Article 3 is hereby added to Chapter 2 of Title 5 of the Beverly Hills Municipal Code to read as follows:

“Article 3. Animal Control and Licensing Requirements.

“5-2-301 City of Los Angeles animal control ordinance adoption.

A. Except as hereinafter provided, Article 3 of Chapter V, Animals and Fowls, of the Los Angeles Municipal Code, as amended and in effect on November 2, 2008, is hereby adopted by reference as the Animal Control Ordinance of the City of Beverly Hills and may be cited as such.

A copy of Article 3 of Chapter V, Animals and Fowls, of the Los Angeles Municipal Code, as amended and in effect on November 2, 2008, has been deposited in the office of the City Clerk of the City of Beverly Hills and shall at all times be maintained by the City Clerk for use and examination by the public.

B. Notwithstanding the provisions of paragraph A of this Section, whenever any of the following words and phrases used in the Animal Control Ordinance, such name or term shall be defined as follows:

(1) “Board of Animal Services Commission” shall mean and include the Beverly Hills Hearing Officer.

(2) “City of Los Angeles” or “City” shall mean the City of Beverly Hills, except where the City of Los Angeles is the correct notation due to the circumstances.

(3) “Department” or any similar term shall mean and include the Code Enforcement Division of the Beverly Hills Building and Safety Department.

(4) “General Manager” or any similar term shall mean and include the Director of Community Development, or his designee, of the City of Beverly Hills.

(5) Whenever the Animal Control Ordinance refers to a “person owning or having charge, care, custody or control of any animal”, or whenever the Animal Control Ordinance refers to a “owner”, that person or owner shall be mean “guardian” for the purposes of the Animal Control Ordinance, referring to any person who cares for a domestic pet.

5-2-302. Animal control ordinance amended.

A. Notwithstanding the provisions of Section 5-2-301, the Animal Control Ordinance is amended by deleting Sections 53.08, 53.15.1, 53.38, 53.39, 53.42(c), 53.42(d), 53.43, 53.47, 53.49, 53.55, 53.59, 53.60, 53.63, 53.64, 53.68 and 53.69.

B. Notwithstanding the provisions of Section 5-2-301, the following text from Section 53.50(f) is hereby deleted: “The fees imposed herein for a pet show or a dog show shall be waived in the event that such show is held on a public park” shall be deleted.

C. Notwithstanding the provisions of Section 5-2-301, the Animal Control Ordinance is amended by amending Sections 53.00, 53.06.2, 53.15.2(c), 53.27, 53.33, 53.42(e), 53.50(a), and 53.66 to read as follows:

53.00 Cat Kennel.

“Cat Kennel” shall mean any dwelling unit, structure, or premises, whereon or wherein six (6) or more cats over the age of four (4) months are kept, harbored, or maintained for any purpose, other than in a pet store for sale to the public or for care or treatment in an animal hospital.

53.00 Dog Kennel.

“Dog Kennel” shall mean any lot, building, structure, or premises whereon or wherein four (4) or more dogs over the age of four (4) months are kept, harbored or maintained for any purposes other than in a pet shop for sale to the public or for care or treatment in an animal hospital.

53.06.2 Restraint of Dogs

Every person owning or having charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises provided, however, that such dog may be off such premises if it be under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length.

53.15.2(c) Breeding

(1) No person shall cause or allow any dog or cat owned, harbored or kept within the City of Beverly Hills to breed.

(2) Commercial establishment selling dogs and cats shall prominently display the name and address of the breeder(s) of such dogs and cats and any other information required by the General Manager.

(3) Any commercial establishment which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owners City application(s) for a license and permit as well as written information regarding the license and permit requirements of the City applicable to such animal.

53.27. Transfer of Ownership. Notice Required

Each owner or operator of any dog hospital or pet shop or as a veterinarian who sells, gives away or in any manner causes the ownership or permanent possession of any dog, whether over four (4) months or age or not, to be transferred to any person, shall notify in writing the Department of that fact within five (5) days after the date of such sale or transfer. Such notice shall state the kind of dog, the name of such dog, if any, and the person to whom such dog has been sold or transferred.

53.33 Vicious Animals – Private Premises

It shall be unlawful for any person to keep within the city a vicious dog, nor shall any person, owning or having custody or control of any dog, or any other animal known by such person to be vicious or dangerous, shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.

53.42(e) Animals, Sale of – As Novelties – On Streets.

(e) This section shall not be construed to prohibit the display or sale of rabbits, natural chicks, ducklings or other fowl, in proper facilities by stores engaged in the business of selling the same, to be raised for food purposes.

53.50. Permits.

53.50(a) Permit Required.

No person, without first obtaining a permit therefor in writing from the Department, shall keep, conduct or operate within the City any pet shop, animal grooming parlor, pony ring or pony ride, circus, pet show, cat show or animal acts or exhibitions.

53.66 Guard Dogs

(a) No person shall keep, use or maintain any guard dog or sentry dog within City limits.

(b) For the purposes of this section, “guard dog” means any dog kept, used or maintained on any commercial or industrial premises or any dog used to guard, protect, patrol or defend any property or person.

(c) For the purposes of this section, “sentry dog” means any dog trained to guard, protect, patrol or defend any premises, area or yard, or any dog trained as a sentry or to protect, defend or guard any person or property or any dog which is schutzhund or any similar classification.

5-2-303. Violations – Penalty

A. Unless a different penalty is provided for in this Chapter, violation of any provision of the Animal Control Ordinance shall be punishable as provided for Article 1, of Chapter 3 of Title 1 of the Beverly Hills Municipal Code.

B. Any person violating any of the following sections of the Animal Control Ordinance is guilty of a misdemeanor that is punishable as provided for in Article 1, of Chapter 3 of Title 1 of the Beverly Hills Municipal Code.

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|---------------------|-----------------------|
| Section 53.03(c) | Section 53.34 |
| Section 53.06.5(c) | Section 53.34.2(a) |
| 53.15(f) | Section 53.34.4(f)(1) |
| 53.15.2(b)(2)(F)(7) | Section 53.58 |
| 53.15.2(d) | Section 53.64(E) |
| 53.15.3(a)(2) | Section 53.70(G) |
| 53.18.5(n) | |

5-2-304. Fees

The City Council shall establish by resolution the fee schedule for permits, spaying, neutering, impounding, licensing and all other fees to be collected by the City for providing services under this Chapter 2 of Title 5, including fees for services to be performed by the City of

Los Angeles or other entity designated by the City of Beverly Hills.”

Section 3. Section 5-2-104 of the Beverly Hills Municipal Code is hereby deleted. Sections 5-2-105, 5-2-106, 5-2-107, 5-2-108, 5-2-109, 5-2-110, 5-2-111, 5-2-112, 5-2-113, 5-2-114 and 5-2-115 are hereby renumbered as follows: 5-2-104, 5-2-105, 5-2-106, 5-2-107, 5-2-108, 5-2-109, 5-2-110, 5-2-111, 5-2-112, 5-2-113 and 5-2-114 respectively.

Section 4. Sections 5-2-201, 5-2-202, 5-2-205, 5-2-206 and 5-2-207 of the Beverly Hills Municipal Code are hereby deleted. Sections 5-2-203 and 5-2-204 are hereby renumbered as follows: 5-2-201 and 5-2-202 respectively.

Section 5. Section 5-2-401 of Article 4 of Chapter 2 of Title 5 of the Beverly Hills Municipal Code is hereby amended to read as follows:

“5-2-401: Exemption for Police Dogs:

The provisions of sections 5-2-107, “Dog Kennels Prohibited”, 5-2-211, “Liability For Injury Or Damages”, 53.06, “Animals at Large”, 53.33, “Vicious Animals – Private Premises”, 5-2-201, “Walking Dogs”, and 53.15.3, “Dog License Fee” of this Chapter, shall not apply to any dog or dogs owned, controlled or maintained by the police department of the City of Beverly Hills.”

Section 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence,

clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 7. The City Clerk is directed to forward a certified copy of this ordinance to the Director of the City of Los Angeles Department of Animal Services.

Section 8. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this ordinance and this certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 9. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED and ADOPTED this ___ day of _____, 2009.

BARRY BRUCKER
Mayor

ATTEST:

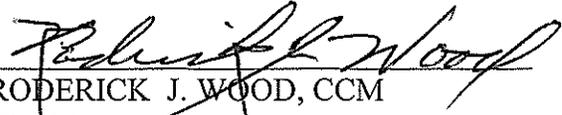
BYRON POPE
City Clerk

APPROVED AS TO FORM:

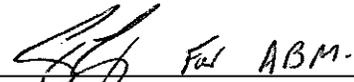


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



RODERICK J. WOOD, CCM
City Manager



ANNE BROWNING-McINTOSH, AICP
Interim Director of Community
Development

Attachment 2

Resolution

RESOLUTION NO. 09-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ADJUST THE ANIMAL CONTROL AND SHELTERING SERVICES FEE SCHEDULE FOR FISCAL YEAR 2008/2009

The Council of the City of Beverly Hills does resolve as follows:

Section 1. As set forth in Resolution 08-R-12604, the City Council has established, amended, fixed and modified, effective July 1, 2008, all fees, permit fees, City service charges, and other fees, charges, extractions, and required payments for municipal services, inspections, enforcement activities or for other indicated purposes (“Comprehensive Schedule of Taxes, Fees & Charges”). The City Council now desires to amend that Comprehensive Schedule of Taxes, Fee & Charges.

Section 2. The City has entered into a Memorandum of Understanding with the City of Los Angeles for the provision of animal control and sheltering services (“MOU”). In order to implement those services under the MOU, the City of Los Angeles will levy certain fees and charges for services and permits as set forth in Exhibit A. Therefore, the City of Beverly Hills hereby adopts the fee schedule set forth in Exhibit A, attached hereto and incorporated herein and shall be included in the Comprehensive Schedule of Taxes, Fees & Charges.

Section 3. The City Council is taking action only on that fee which has been established as set forth in Exhibit A. The remaining fees, permit fees, City services

charges and other fees, charges, extractions, and required payment for municipal services as set forth in the Comprehensive Schedule of Taxes, Fees & Charges have not been modified.

Section 4. The City Clerk shall certify to the adoption of this and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

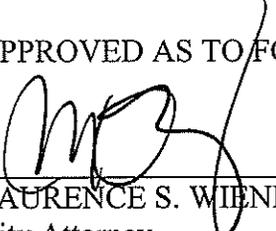
Adopted:

BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



ANNE BROWNING MCINTOSH
Interim Director of Community
Development

FEEES FOR 2009

Cost-to-Care Fee Category	2009 Charge
For each dog sold or redeemed	\$55
For each cat sold or redeemed	\$29
For each dog redeemed, 2nd or more occurrence	\$25
For each cat redeemed, 2nd or more occurrence	\$13
Spay or Neuter, Dog or Cat **	\$32
For each equine sold or redeemed	\$325
For each other animal sold or redeemed	\$23
For each small pet, reptile, or bird	\$13
For each rabbit sold or redeemed	\$16
Relinquishment Fee for dog	\$25
Pickup for Relinquishment, dog	\$56
Relinquishment Fee for cat	\$22
Pickup for Relinquishment, cat	\$53
Relinquishment Fee for rabbit	\$18
Relinquishment Fee for equine	\$223
Pickup for Relinquishment, equine	\$326
Relinquishment Fee for small animal	\$11
Relinquishment Fee for other animal	\$24
Pickup for Relinquishment, other animal	\$54

Permit Type	Proposed Charge
Pet Shop	\$275
Zoo	\$180
Animal Rental Establishment	\$210
Pet Show, Dog Show, Animal Acts or Exhibitions	\$380
Miscellaneous Animals or Reptile Establishment	\$150
Circus, First Day	\$3,100
Circus, Per Day after First	inc.
Rodeo, First Day	\$665
Rodeo, Per Day after First	inc.
Animal Grooming Parlor	\$130
Dog Licenses (Altered)	\$15
Dog Licenses (Unaltered, if exemptions are met)	\$100
Filming with Animals	\$300
Filming Per Day after First	inc.

Promotional Rate:

Promotional Rates may be activated by the General Manager as follows:

- Discount of 50% off adoption/redemption fees, and free microchipping, no change to spay/neuter fee or licensing (when applicable).
- Promotional Rate may be activated by the General Manager in accordance with the following schedule for Fiscal Year 2008-2009; all or part of the days can be used.
- Promotional Rate can be used for all or any type of animal to be adopted, at General Manager's Discretion.
 - ☞Five Consecutive days in July
 - ☞Five Consecutive days in August
 - ☞December 17-23, 2008
 - ☞February 10-15, 2009 (Valentine's Day)
 - ☞May 5-10, 2009 (Mother's Day)
 - ☞June 16-21, 2009 (Father's Day)
 - ☞Best Buddies Program (second animal)
 - ☞Seniors for Seniors Program (seven years or older to seniors)