

INTERNAL M E M O R A N D U M

OFFICE OF CITY ATTORNEY – AIRPORT DIVISION

TO: Kelly Martin, General Counsel – Airport Division

FROM: Cynthia Alexander, Deputy City Attorney – Airport Division

DATE: April 25, 2008

RE: Proposed Ordinance Requiring Owners to Secure Canines in Kennels or Crates While in the Central Terminal Area at LAX

The LAPD requested the Board of Police Commissioners to approve a request for the City Council to direct the City Attorney to prepare an ordinance requiring that persons place and secure all canines in kennels or crates while in the Central Terminal Area of LAX.

This memorandum outlines the proposed ordinance recommended by the LAPD and provides a summary of the various ordinances and policies that regulate the handling of dogs and other animals at airports across the country.

I. LAPD's Proposed Ordinance

The LAPD proposes the following text for the ordinance:

RESTRAINT OF DOGS AT LOS ANGELES INTERNATIONAL AIRPORT.

- (a) Every person owning or having charge, care, custody or control of any dog while in the Central Terminal Area of Los Angeles International Airport, whether curbside or inside the terminal facilities, shall keep such dog exclusively secured within a kennel or crate, which is secured to prevent the escape of such dog. This section shall not apply to certified service guide dogs used to assist individuals with impairments.
- (b) Notwithstanding any other provision of this code, every violation of any of the provisions of this section shall be punishable as an infraction as follows:
 - 1. Upon a first conviction, by a fine of twenty-five dollars (\$25).
 - 2. Upon a second conviction, and offense occurred within one year of a prior violation of this section which resulted in a conviction, by a fine of forty-five dollars (\$45).

3. Upon a third or subsequent conviction, and the offense occurred within one year of a prior violation of this section which resulted in a second or subsequent conviction, by a fine of sixty-five dollars (\$65).

The LAPD asserts that the officers and superiors of the Los Angeles Police Department Bomb Detection Canine Section and members of the LAWA Police Bureau Canine Unit support this proposal.

Currently, dogs or other animals at LAX are regulated under Section 171.02(h) of the Los Angeles Municipal Code, which provides as follows:

No person shall bring or permit the bringing upon the Airport of any dog or other animal, except an assistance (signal, service or guide) dog, or any other animal designated by State law to assist such persons, or **one properly confined for shipment, unless restrained by leash.**

II. Monterey Peninsula Code

The Monterey Peninsula Airport adopted an ordinance in 2002 regulating, among other things, the possession and presence of animals at the airport. Relevant provisions of the ordinance are provided as follows:

- 5.1 **Animals to be Confined or on Leash.** It is unlawful for any person having charge, care, custody or control over any animal while at, on, in or within any public portion of the airport to fail to keep the animal under control and on a leash or harness, in a cage or shipping or other appropriate container or within a motor vehicle or trailer.
- 5.4 **Animals in Terminal Building¹.** It is unlawful for any person to bring any animal into the airport terminal building. The following animals shall be exempt from the prohibitions imposed by section 5.4 of this ordinance.
 - 5.4.1 “Seeing eye” guide dogs when used by blind persons or other companion or service dogs when used by other persons with sensory impairment(s) or physical disability(ies), provided that such dogs are at all times kept on a lease or harness and under the control of such person.
 - 5.4.2 Animals that are to be, are being, or have been shipped via air, provided that such animals are at all times kept in an appropriate

¹ Under the ordinance, the “terminal building” means all buildings and structures located within the airport and open to the public for the purpose of flight ticket purchase, public lobby, waiting, baggage check-in and those other services related to public air travel.

cage or shipping container while within the airport or terminal building.

5.4.3 **Animals normally maintained as pets such as dogs, cats, guinea pigs, hamsters, lizards, frogs, tadpoles, aquarium-kept fish, cage-maintained birds, provided that any such animal is not vicious or dangerous to human safety and provided further that any such animal is at all times kept appropriately confined in a cage, box or other suitable container and in the immediate company of a person in control of such animal.**

5.4.4 Guard, law enforcement and search dogs under the control of authorized handlers and present at the airport as authorized by the Airport Manager or Chief of Police.

III. Miami-Dade County

Chapter 25, Section 25-2.14 (a) and (b) of the Code of Miami Dade County, Florida provides the following:

(a) No person, other than a person who is blind, visually impaired or otherwise disabled, with a seeing eye or other specially trained dog, or a trained dog used for law enforcement purposes, under the control of an authorized law enforcement officer, shall enter the Terminal Building with a domestic animal, **unless such animal is to be or has been transported by air and is kept restrained by a leash or otherwise confined so as to be completely under control.**

(b) No person shall enter any part of an Airport, with a domestic animal, unless such animal is kept **restrained by a leash or is so confined as to be completely under control, whether or not such animal is to be or has been transported by air travel.** No person shall bring, carry or deliver any wild animal under his control or custody into the Terminal Buildings of an Airport, without having first obtained a permit from the Department.

Under the Miami-Dade Code, "Terminal Building" means any passenger or cargo terminal facility or Airport facilities available to and accessed by the public as designated from time to time by the Department, including all roadways, vehicular circulation areas and parking facilities associated therewith.

IV. Springfield, Missouri Code

Section 22-77 of the Code of the City of Springfield, Missouri provides as follows:

Animals required for assistance to blind, hearing-impaired, disabled, or security or law enforcement persons are permitted on the airport. **All other animals, domestic or exotic, are prohibited from all buildings owned or operated by the airport (including the terminal building), all air freight facilities, and all restricted areas, including all**

areas within the perimeter fence, except when such animals are containerized for air shipment. Domestic dogs are permitted in other areas of the airport when restrained by leash, accompanied by an adult, and kept completely under control.

V. Fort Lauderdale-Hollywood International Airport

The regulations for animals at Fort Lauderdale-Hollywood International Airport are provided as follows:

Animals in Airport Terminals and Adjacent Areas.

(1) No person, other than a disabled person with a service animal or a law enforcement officer with a specially trained animal or dog used for law enforcement purposes, shall enter any of the terminal buildings or adjacent areas within the Airport boundaries with a domestic animal **unless such animal is to be or has been transported by air and is confined within a cage or restrained by a leash so that such person retains complete control of the animal.**

(2) No person shall bring, carry or deliver any wild animals under the control or custody of such person into any of the terminal buildings or adjacent areas within the Airport boundaries without the prior written consent of the Aviation Department. For the purpose of this ordinance, a wild animal shall mean any animal of a species not usually domesticated in the United States nor customarily found in the home.

(3) Either willfully or through failure to exercise due care, no person shall permit any animal to urinate or defecate upon the sidewalks of the Airport or within the terminal buildings or any other building, parking facility or roadways within the jurisdiction of the Airport used in common with the general or traveling public.

VI. Tampa International Airport

- a. No person may bring an animal into the airport except:
 - 1. an animal to be or that has been transported by air;
 - 2. a service animal used by disabled persons in accordance with Florida Statutes;
 - 3. an animal which remains inside a motor vehicles at all times;
 - 4. an animal used for law enforcement purposes; or
 - 5. animals authorized by the Executive Director or designee for special events.
- b. All animals permitted by this section **must be restrained by a leash or confined and completely under control.**
- c. No person other than those authorized by the Authority will hunt, pursue, trap, catch, injure or kill any animal on the airport.

d. No person will feed or do any other act to encourage the congregation of birds or other animals on the airport.

e. No person will permit, either willfully or through failure to exercise due care or control, any animal to urinate or defecate on the sidewalks of the airport or within any airport building.

VII. Nashville International Airport

According to the Airport Police Chief at Nashville International Airport, the airport plays an hourly announcement in the terminals stating that all pets must be kept in a kennel or on the owner's lap. The Police Chief also indicated that, since food is served in the terminals, police officers have enforced this regulation by citing health department codes that restrict animals in food services operational premises and adjacent areas.

VIII. Denver International Airport

Denver International Airport does not have such an ordinance, but legal counsel for this airport has dealt with the issue of handling service dogs and has noted that there may be possible implications under the Americans with Disabilities Act. Secondly, legal counsel has raised a possible issue with the airlines in complying with such an ordinance because the airlines have certain rules in place regarding how they handle passengers' animals.

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