[Expanding the authority of the Department of Animal Care and Control to issue dog licenses and enter into agreements with pet-related businesses and animal welfare organizations to issue dog licenses.]

Ordinance amending the San Francisco Health Code by amending sections 41, 41.2, 41.4, 41.5, 41.15, 41.19, 41.20 and 41.22 to: (1) expand the authority of the Department of Animal Care and Control to issue dog licenses; (2) authorize the Director of Animal Care and Control to enter into agreements with persons and entities, including but not limited to, veterinarians, retailers of pet supplies and pet services and animal welfare organizations, to accept applications for, and issue dog licenses; and (3) make miscellaneous technical corrections and delete references to obsolete code sections and terms; and amending the San Francisco Business and Tax Regulations Code by amending section 221.3 to specify that dog license fees collected by the Department of Animal Care and Control be delivered to the San Francisco Animal Control and Welfare Fund.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman.
Board amendment additions are double underlined.
Board amendment deletions are strikethrough normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Health Code is hereby amended by amending Sections 41, 41.2, 41.4, 41.5, 41.15, 41.19, 41.20, and 41.22, to read as follows:

SEC. 41. DEFINITIONS.

As used in Sections 41.1 through 41.25, inclusive, of this Article, the following terms shall have the following respective meanings:
(a) "At large" shall mean any dog off the premises of its owners and not under restraint by a leash, rope or chain of not more than eight (8) feet in length, and any other animal not under physical restraint.

(b) "Animal" shall mean and include any bird, mammal, reptile, or other dumb creature; except fish.

(c) "City and County" shall mean the City and County of San Francisco.

(d) "Dog" shall include female as well as male dogs.

(e) "Health Officer" shall mean the Director of the Department of Public Health of the City and County, or any employee of said Department or other person authorized by said officer to act on his or her behalf.

(f) "Hoofed Animal" shall mean and include horse, mare, gelding, mule, burro, sheep, cow, goat or any other animal with a hoofed foot.

(g) "Owner" shall mean any person who possesses, has title to or an interest in, harbors or has control, custody or possession of an animal, and the verb forms of "to own" shall include all those shades of meaning.

(h) "Person" shall mean and include corporations, estates, associations, partnerships and trusts, as well as one or more individual human beings.

(i) "Barking Dog" is defined as a dog that barks, bays, cries, howls or makes any other noise continuously and incessantly for a period of 10 minutes to the disturbance of any other person.

(j) "Animal Care and Control Department" shall mean the department under the Chief Administrative Officer City Administrator authorized to perform the functions described in Sections 41.4 and 41.5 of this Article and any other ordinance or law that delegates such authority to the Animal Care and Control Department or its Director.
(k) "Animal Control Officer" or "Animal Care and Control Officer" shall mean the Director of the Animal Care and Control Department.

(l) "Authorized licensing entity" shall mean an individual or entity that has entered into an agreement with the Director of Animal Care and Control to accept applications and payments for dog licenses, and issue such licenses to dog owners in accordance with the requirements of Sections 41.15 through 41.20. Such individuals or entities may include, but are not limited to, other departments of the City and County, licensed veterinarians practicing in the City and County, retailers of pet supplies and providers of animal care services engaged in business in the City and County, and nonprofit organizations engaged in promoting animal welfare.

SEC. 41.2. POWERS AND DUTIES.

In addition to any other powers and duties set forth in this Article, the Commission shall have the power and duty to:

(a) Hold hearings and submit recommendations regarding animal control and welfare to the Board of Supervisors and the Chief Administrative Officer City Administrator.

(b) Study and recommend requirements for the maintenance of animals in public, private, and commercial care.

(c) Work with the Tax Collector, the Director of the Animal Care and Control Department and authorized licensing entities to develop and maintain dog licensing procedures and make recommendations on fees.

SEC. 41.4. ANIMAL CARE AND CONTROL DEPARTMENT; ESTABLISHMENT; APPOINTMENT OF ANIMAL CONTROL OFFICER; POWERS AND DUTIES OF ANIMAL CARE AND CONTROL DEPARTMENT.

(a) Effective July 1, 1989, there is hereby established an Animal Care and Control Department under the jurisdiction of the Chief Administrative Officer City Administrator. The Department shall consist of a Director and such employees and assistants as may be
necessary to carry out the work and functions of the Department. The Chief Administrative Officer shall appoint an Animal Control Officer who shall serve at the pleasure of the Chief Administrative Officer as the Director of the Animal Care and Control Department.

(b) The Animal Care and Control Department shall have the following functions:

(1) To operate an animal shelter;

(2) To provide nourishment and medical care for animals in its care; basic health screening for all animals and a disease control program for the facility; vaccination of animals; euthanasia of animals by barbiturate injection or other humane methods; sale of dog licenses; volunteer programs; information on animal control laws, pet owner responsibilities and pet care; and maintenance of records of all animal control activities;

(3) To enforce the provisions of this Article and any other ordinances and laws that pertain to the care and control of animals;

(4) To charge and collect the fees, fines and deposits as required by this Article and any other ordinances and laws that pertain to the care and control of animals; and

(5) To carry out the duties and functions of the Animal Control Officer as defined in Article I of this Code, Section 985 of this Code, Sections 215 through 222 of Part III of the San Francisco Business and Tax Regulations Municipal Code, and any other ordinances and laws pertaining to the care and control of animals.

SEC. 41.5. ANIMAL CONTROL OFFICER; POWERS AND DUTIES; BADGES.

(a) The Animal Control Officer shall have the following powers and duties:

1. To enforce the provisions of Sections 41.1 through 41.13, inclusive, of this Article and the licensing provisions of Sections 215 through 222, inclusive, of Part III of the San Francisco Municipal Code, and to impound any animal at large in violation thereof.
2. To cooperate with the Health Officer in the enforcement of animal quarantine directives.

3. To keep a record of the number, description, and disposition of all animals impounded or otherwise taken into custody, showing in detail in the case of each animal the date of receipt, the date and manner of disposal, the name of the person reclaiming, redeeming, or purchasing said animal; the fees, charges and proceeds of sales received, and such additional records as the Controller of the City and County may prescribe. Such records shall not be removed except upon written order of a court of competent jurisdiction or other duly constituted authority.

4. To appoint Deputy Animal Control Officers whose authority shall be the same as that of the Animal Control Officer as herein set forth.

5. To enter into agreements with individuals and entities, including but not limited to, other departments of the City and County, licensed veterinarians practicing in the City and County, retailers of pet supplies and providers of animal care services engaged in business in the City and County, and nonprofit organization engaged in promoting animal welfare, to authorize these entities to receive applications and payment for dog licenses, and to issue such licenses in accordance with the requirements of Sections 41.15 through 41.20 and 41.23 of this Article.

It shall be unlawful for any person to oppose, resist, or otherwise interfere with the Animal Control Officer or his or her duly authorized deputies or agents in the performance of the duties herein set forth.

(b) The Animal Control Officer and his or her deputies, while engaged in the execution of duties that involve field patrols, emergency response activities, impoundment of animals, issuance of citations, enforcement of animal quarantine directives, and any other activities related to the enforcement of animal care and control laws shall wear in plain view a badge, having in the case of the Animal Control Officer the words "Animal Care and Control Officer" and the name of the City and County.
Officer" and in the case of any Deputy Animal Control Officer the words "Deputy Animal Care and Control Officer" engraved thereon.

SEC. 41.15. DOGS: DOG LICENSE FEE LICENSING REQUIREMENT; FEES; TERM OF LICENSE. It shall be unlawful for any person to own, keep or have control of any dog without having obtained a current San Francisco license for such dog, which license shall be renewed no later than 30 days after the date of expiration, as herein provided.

(a) Every person owning, keeping or having control of any dog over the age of four months within the City and County of San Francisco shall within 30 days after the dog attains the age of four months or within 30 days of obtaining the dog, obtain a current license for each dog so owned, kept or controlled.

(b) New residents shall have 30 days in which to acquire a current San Francisco license for each dog owned, kept or controlled within the City and County of San Francisco.

(c) Such dog license shall be issued upon payment, in advance, of a license fee and upon satisfactory proof of antirabies vaccination and shall be valid for a specified term from the date of issuance, all as provided in Section 41.18. The Director of the Department of Animal Care and Control, the Tax Collector, and any other authorized licensing entity agency issuing said certificate is hereby authorized to charge, and any person requesting said license shall pay, a fee for each such license, according to the following scale and subject to the exceptions set forth in this Article:

(1) Sixteen dollars for a one-year license;
(2) Thirty dollars for a two-year license;
(3) Forty-four dollars for a three-year license, issued only upon proof that such dog is 12 months of age or older.
Notwithstanding San Francisco Administrative Code section 10.117-87(c), said license fee shall be used to defray the costs associated with issuance of said license, including personnel costs. Any change recommended by the Director of the Department of Animal Care and Control as to the amount of the fees charged for each license shall be submitted to the Board of Supervisors for approval prior to the imposition of said fee. Fees for partial-term licenses for less than a 12-month period will be prorated on a monthly basis. A schedule of said license fees shall be posted conspicuously on the premises of the Department of Animal Care and Control, and in the office of the Tax Collector, and at any or other authorized licensing entity agency charged with the collection of said fees.

(d) Licenses issued under prior existing dog-licensing ordinances of the City and County shall remain valid until expiration.

SEC. 41.19. YOUNG DOG CERTIFICATE. (a) Every resident of the City and County of San Francisco who procures a young dog over the age of two months from any animal shelter shall register such dog with the Department of Animal Care and Control, Tax Collector or other agency authorized to issue said certificate. Upon payment of a deposit equivalent to the amount of a license fee set pursuant to Section 41.15 of this Article, the owner of the young dog shall be issued a temporary identification tag and young dog certificate. The certificate shall be valid until the dog attains the age of four months, or has received an antirabies vaccination, whichever occurs first. Upon expiration of the certificate, the Tax Collector, the Department of Animal Care and Control, or other authorized licensing entity will notify the owner that the certificate has expired and upon satisfactory proof that the dog has been vaccinated in compliance with Section 41.18 of this Article, the owner shall be provided with a valid license for said dog as provided in this Article.
(b) If an owner fails to procure a license within one month after the expiration of the young dog certificate, the deposited license fee shall be forfeited and the owner shall be deemed to be in violation of Section 41.15 of this Article.

SEC. 41.20. CERTIFICATE TO OWNER. (a) Upon the payment of a dog license or cat registration fee, the owner of the animal shall obtain from the Tax Collector, the Department of Animal Care and Control, or other authorized licensing entity a certificate stating (1) the period for which such license or registration fee has been paid, (2) the date of payment, (3) the name, residence address, and telephone number of the person to whom such license is issued, (4) the name, breed and sex of the dog or cat licensed or registered, (5) the number of the license or registration tag issued as provided for in this Article, and (6) a statement whether the animal has been spayed or neutered. Such certificate shall be delivered to the person paying such license or registration fee and duplicates or records thereof shall be delivered to the Department of Animal Care and Control. All such duplicates and records shall be kept in the office of the Department of Animal Care and Control until the registration or certificate expires. The Tax Collector shall periodically provide the Department of Animal Care and Control with updated information regarding current registrations.

(b) The certificates and tags described in this Section shall not be transferable from dog to dog, cat to cat, or from owner to owner.

(c) At the same time that the Tax Collector, the Department of Animal Care and Control, or other authorized licensing entity issues the certificate pursuant to this Section, he or she shall also issue and deliver to the person paying such license or registration fee a license tag of such form and design as the Department of Animal Care and Control shall designate, with the words "San Francisco Dog License" or "San Francisco Cat Tag" and a serial number.

(d) The owner or person having control or possession of the dog or cat for which said license or registration fee has been paid, and such tag issued, shall attach such
license tag or registration tag securely to a collar around the neck of the cat or dog, or otherwise adequately secure such tag. License tags shall be securely displayed upon dogs at all times, except when the dog is confined to the owner's premises or displayed in any show or exhibition.

SEC. 41.22. DUPLICATE LICENSE OR REGISTRATION TAG ISSUED. (a) If any license or registration tag shall be lost or stolen, damaged or illegible, the person owning, possessing, or having control of the dog or cat for which the same was issued shall be entitled to receive a duplicate of such tag by presenting to the Tax Collector, or the Department of Animal Care and Control the damaged tag, or the original certificate showing ownership of said tag or subscribing to an affidavit sufficiently showing that such tag was lost or stolen. Upon payment by the owner of a replacement fee of $1, the Tax Collector or the Department of Animal Care and Control shall issue a properly numbered duplicate tag, and shall keep on file in his office the original affidavit upon which the duplicate tag was issued.

(b) If any license or registration tag is not received due to the United States Mail within 30 days after payment of fees, the person owning, possessing, or having control of the dog or cat for which the said tag was issued shall be entitled to receive a duplicate of said tag by presenting to the Tax Collector or the Department of Animal Care and Control the damaged tag, or the original certificate showing ownership of said tag or subscribing to an affidavit sufficiently showing that said tag was not received due to the United States Mail within 30 days. The Tax Collector or the Department of Animal Care and Control, without additional fee, shall issue a properly numbered tag, and shall keep on file in his office all original affidavits upon which duplicate tags were issued.

Section 2. The San Francisco Business and Tax Regulations Code is hereby amended by amending Section 221.3 to read as follows:

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Supervisor Leno
BOARD OF SUPERVISORS
SEC. 221.3. SPECIAL ANIMAL CONTROL AND WELFARE FUND.

All fees collected by the Tax Collector for dog licenses, dog kennel licenses, cat registrations, and business licenses for such businesses as maintain animals in the course of business, pursuant to Sections 215, 220 and 221 of this Article, or Section 41.15 of the San Francisco Health Code, and all fees and donations collected by the Department of Animal Care and Control and any authorized licensing entities for dog licenses, as provided in Section 41.15 of the San Francisco Health Code, or for the sale, redemption or surrender of impounded animals and for the care and feeding thereof, as provided in Section 41.10 of Part II, Chapter V (Health Code) of the San Francisco Municipal Health Code shall be paid or delivered into the San Francisco Animal Control and Welfare Fund established by Section 10.117-87 of the San Francisco Administrative Code.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: DAVID A. GREENBURG
Deputy City Attorney
Ordinance amending the San Francisco Health Code by amending sections 41, 41.2, 41.4, 41.5, 41.15, 41.19, 41.20 and 41.22 to: (1) expand the authority of the Department of Animal Care and Control to issue dog licenses; (2) authorize the Director of Animal Care and Control to enter into agreements with persons and entities, including but not limited to, veterinarians, retailers of pet supplies and pet services and animal welfare organizations, to accept applications for, and issue dog licenses; and (3) make miscellaneous technical corrections and delete references to obsolete code sections and terms; and amending the San Francisco Business and Tax Regulations Code by amending section 221.3 to specify that dog license fees collected by the Department of Animal Care and Control be delivered to the San Francisco Animal Control and Welfare Fund.

December 17, 2001  Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

January 7, 2002  Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 7, 2002 by the Board of Supervisors of the City and County of San Francisco.

Gregoire Hobson
Acting Clerk of the Board

Mayor Willie L. Brown Jr.