[Increasing Animal Care and Control Fees]

Ordinance amending the San Francisco Health Code by amending Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22 to increase fees and set new fees for the Department of Animal Care and Control and to update language to reflect current practices, amending Section 41.25 to authorize administrative citations for violation of specified Health Code sections, amending Section 41.26 to update language regarding fee changes in subsequent fiscal years, and making environmental findings.

NOTE: Additions are *single-underline italics* Times New Roman; deletions are *strike-through 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. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 100712 and is incorporated herein by reference.

Section 2. The San Francisco Health Code is hereby amended by amending Section 41.9, to read as follows:

SEC. 41.9. - DISPOSITION OF ANIMALS.

(a) In the discretion of the Animal Control Officer, except as otherwise provided in Sections 41.1 through 41.13, inclusive, of this Article, the Animal Control Officer may allow adoption, transfer, placement, or other disposition of any animal which has been impounded or taken into custody by the Animal Control Officer, which is not redeemed within the applicable

Mayor Newsom
BOARD OF SUPERVISORS
holding period specified in Section 41.7 hereof or set under applicable state law, may be destroyed or otherwise disposed of by the Animal Control Officer. Any animal sold by the Animal Control Officer shall be sold upon the collection of no less than the following a $15.00 fee for each animal adopted, plus any other applicable charges under this Article.:

(1) For each dog, the sum of $10, plus, if applicable, the dog license fee provided for in Section 41.15 of Article I of the San Francisco Health Code

(2) For each cat, the sum of $10

(3) For each hooved animal, the sum of $25

(4) For each rabbit, bird or similar small animal, the sum of $10

(5) If an individual adopting an animal the purchaser of a dog or cat is 65 years of age or older, the Animal Control Officer shall reduce the fee to be paid for each dog or cat shall be by 50 percent of the applicable sums set forth in the Subparagraphs (a)(1) and (a)(2) above.

(b) It shall be unlawful for the Animal Control Officer or anyone in such Officer's employed at the Department of Animal Care and Control to knowingly sell or give any animal impounded or otherwise taken into custody to any person, medical college or university for purposes of animal experimentation; or for any of the above to induce by or through fraud, misrepresentation, coercion or threats any violations of this Section.

(c) If an animal is sold adopted under pursuant to the provisions of this Section, the receipt signed by the Animal Control Officer or such Officer's agent shall be valid title to the purchaser adopter.

(d) Any animal impounded or otherwise taken into custody by the Animal Control Officer, which, as determined by a licensed veterinarian, is suffering excessively, or is dangerous to keep impounded, shall be forthwith destroyed by the Animal Control Officer.
Section 3. The San Francisco Health Code is hereby amended by amending Section 41.10, to read as follows:

SEC. 41.10. - CHARGES AND FEES.

The Animal Control Officer shall charge and collect the following fees from the owner or guardian of any animal impounded or otherwise taken into custody:

(a) Redemption fees: $30.00.

For each dog, the sum of $25.00
For each cat, the sum of $25.00
For each hoofed animal, the sum of $25.00
For each rabbit, bird or other animal, the sum of $25.00
(b) Voluntary lifetime cat registration fee: For each cat, the sum of $10.00.
(c) Spay/neuter deposit fee for dogs and cats: $50.00.

For each dog, the sum of $50.00
For each cat, the sum of $50.00
(d) For feeding and providing ordinary care for animals, the following sums, $25.00 per day, except for each rabbit, bird or other small animal, the sum shall be $10.00 per day:

For each dog, the sum of $10.00
For each cat, the sum of $10.00
For each hoofed animal, the sum of $10.00
For each rabbit, bird or other animal, the sum of $10.00
(e) For owner-requested euthanasia of an adult dog or cat, the sum of $25.00 each animal.

For all other animals, a sum determined by the Animal Control Officer based on the size or number of animals and the actual cost of the service, not to exceed $25.00 each animal.
(f) For owner surrender of an adult dog or cat, the sum of $25.00 each animal. For all other animals, a sum determined by the Animal Control Officer based on the size or number of animals and the actual cost of the service, not to exceed $25.00 each animal.

(g) For deceased pet disposal, for each adult dog or cat, the sum of $20.00 each animal. For all other animals, a sum determined by the Animal Control Officer based on the size or number of animals and the actual cost of the service, not to exceed $20.00 each animal.

(h) For field services transport, the sum of $40.00.

(i) In the event that the Animal Control Officer determines that payment of any fees by the owner or guardian of an animal which is impounded or otherwise taken into custody would cause extreme financial difficulty to said the owner or guardian, the Animal Control Officer may, at his or her discretion, waive all or part of the fees for the animal.

(jj) In the event that if any animal is impounded or otherwise taken into custody by the Animal Control Officer more than one time, the Animal Control Officer shall collect a penalty redemption fee, which shall be:

1. For a second impoundment, two times the fee set forth in Subsection (a) above;
2. For any third or additional impoundment, three times the fee set forth in Subsection (a) above.

(ek) In the event that if an animal which is impounded or otherwise taken into custody must be spayed or neutered while in the custody of the Animal Control Officer, the Animal Control Officer shall charge an additional fee consisting of the actual expense incurred.

(hl) For extraordinary care or expense provided for an animal, an additional fee consisting of the actual expense incurred shall also be charged.
Section 4. The San Francisco Health Code is hereby amended by amending Section 41.15, to read as follows:

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 the 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.

(c) Such a 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 Department of Animal Care and Control, the Tax Collector and any other authorized licensing entity issuing said certificate, is hereby authorized to charge, and any person requesting said a 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. $2450 for a one-year license;
2. $4595 for a two-year license;
3. $66140 for a three-year license, issued only upon proof that such the dog is 12 months of age or older.
Notwithstanding San Francisco Administrative Code section 10.100-2310.117.87(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, in the office of the Tax Collector, and at any other authorized licensing entity charged with the collection of said license fees.

Section 5. The San Francisco Health Code is hereby amended by amending Section 41.16, to read as follows:

SEC. 41.16. - REDUCTION IN FEE - SPECIAL CIRCUMSTANCES.

The following reductions in the fees provided for in Section 41.15(c) shall be available under the following circumstances:

(1) For each dog that is neutered or spayed in accordance with this Article, the license shall be prorated, as follows:

(A) $720 for a one-year license;
(B) $1380 for a two-year license;
(C) $2040 for a three-year license.

(2) If the owner or guardian of a dog is 65 years of age or older, the license fee shall not exceed 50 percent of the applicable fee set forth in Section 41.15(c) or 50 percent of the applicable fee set forth in subsection (1) above.
Section 6. The San Francisco Health Code is hereby amended by amending Section 41.17, to read as follows:

SEC. 41.17. - FEES—LATE PAYMENT PENALTY.

(a) A late charge of $125 shall be assessed for failure to obtain a current San Francisco dog license or to renew any expired license within any of the time limitations set forth in Section 41.15 of this Article. Any such late charge shall be in addition to the applicable license fee and shall be payable at the time of issuance.

Section 7. The San Francisco Health Code is hereby amended by amending Section 41.22, to read as follows:

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 tag 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 the tag, or subscribing to an affidavit sufficiently showing that such-the tag was lost or stolen. Upon payment by the owner of a replacement fee of $5, 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, if any, 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 the 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 8. The San Francisco Health Code is hereby amended by amending Section
41.25, to read as follows:

SEC. 41.25. - PENALTIES; ADMINISTRATIVE CITATIONS.
(a) A violation of the provisions of Section 41.21 of this Article shall be a misdemeanor,
and punishable by a fine of not more than $500.
(b) A violation of the provisions of Section 41.15 or 41.19 of this Article shall be an
infraction and punishable by a fine of $100.
(c) Administrative Citation. Violations of Sections 41.15, 41.19, and 41.21 of this Article may
be punishable by administrative citation. Except as to the amounts of the citation penalties, Chapter
100 of the San Francisco Administrative Code is incorporated herein by reference. The City employees
identified in Section 41.24 may issue administrative citations. The fine for violation of Sections 41.15
and 41.19 of this Article shall be $75. In addition, for violation of Section 41.15 and 41.19, the Animal
Control Office shall assess a late charge under Section 41.17. The fine for violation of Section 41.21 of
this Article shall be $100.

Section 9. The San Francisco Health Code is hereby amended by amending Section
41.26, to read as follows:

SEC. 41.26. - ANNUAL ADJUSTMENT OF FEES.
Beginning with fiscal year 2003-2004-2010-2011, fees set in Sections 41.9, 41.10, 41.15,
41.16, 41.17, and 41.22 may be adjusted each year, without further action by the Board of
Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each year, the Department of Animal Care and Control shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.

Section 10. This ordinance shall become operative on its effective date or on July 1, 2010, whichever is later.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: KATHARINE HOBIN PORTER
Deputy City Attorney
File Number: 100712

Ordinance amending the San Francisco Health Code, Article 1, by amending Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22, to increase fees and set new fees for the Department of Animal Care and Control and to update language to reflect current practices, amending Section 41.25 to authorize administrative citations for violation of specified Health Code sections, amending Section 41.26 to update language regarding fee changes in subsequent fiscal years, and making environmental findings.

June 22, 2010 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

June 29, 2010 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100712

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/29/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom
Date Approved