Ordinance amending the Health Code to authorize the Animal Control Officer to waive adoption fees and other applicable charges upon finding that such a waiver will maintain or increase the live release rate.

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

Section 1. The Health Code is hereby amended by revising Section 41, including by alphabetizing the definitions therein, 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 meanings:

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

(f) "Animal Care and Control Department" shall mean the department under the 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.
(a) "At large" shall mean any dog off the premises of its owners or guardians 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.

(f) "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 or guardians 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.

(f) "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.

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

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

(m) "Guardian" shall mean owner have the same rights and responsibilities of an owner, and
both terms shall be used interchangeably.

(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.

"Live release rate" shall mean the ratio of live animals impounded to live animals released per
year.
“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.

“Person” shall mean and include corporations, estates, associations, partnerships and trusts, as well as one or more individual human beings.

Section 2. The Health Code is hereby amended by revising 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 that has been impounded or taken into custody by the Animal Control Officer, which is not redeemed within the applicable holding period specified in Section 41.7 hereof or set under applicable state law. The Animal Control Officer shall collect a $15.00 fee, as adjusted under Section 41.26 of this Article, for each animal adopted, plus any other applicable charges under this Article. If an individual adopting an animal is 65 years of age or older, the Animal Control Officer shall reduce the fee by 50 percent. The Animal Control Officer may reduce or waive the adoption fee, plus any other applicable charges under this Article, to the extent the Animal Control Officer finds that such reduction or waiver will maintain or increase the live release rate.

(b) It shall be unlawful for the Animal Control Officer or anyone 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 adopted under this Section, the receipt signed by the Animal Control Officer or such Officer’s agent shall be valid title to the 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. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance, except as to the alphabetization of definitions in Health Code Section 41 effectuated by Section 2 of this ordinance, and noted at the beginning of Section 2.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance would be subsequently declared invalid or unconstitutional.

Section 6. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 7. No Conflict with Federal or State Law. Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

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

By: BRADLEY A. RUSSI
Deputy City Attorney
File Number: 150528  Date Passed: June 16, 2015

Ordinance amending the Health Code to authorize the Animal Control Officer to waive adoption fees and other applicable charges upon finding that such a waiver will maintain or increase the live release rate.

June 03, 2015 Budget and Finance Sub-Committee - RECOMMENDED

June 09, 2015 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

June 16, 2015 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150528

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/16/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

6/25/15