



**SAN FRANCISCO COMMISSION OF
ANIMAL CONTROL & WELFARE**



**Commissioner
Orientation Packet**

**1 Dr. Carlton B. Goodlett Place, Room 453
San Francisco, CA 94102**

www.sfgov.org/awcc

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I. ABOUT THE COMMISSION

The San Francisco Commission of Animal Control & Welfare is an advisory body, which makes recommendations to the Board of Supervisors.

The Commission of Animal Control & Welfare (The Commission) is a representative body acting as the eyes and ears of the San Francisco Board of Supervisors with regard to animal issues (public, private, and commercial) within the City. The Commission is an advisory body and makes recommendations about animal welfare and animal control issues to the Board of Supervisors. The Board is responsible for all policy decisions and development.

The Commission of Animal Control & Welfare is made up of seven voting commissioners and up to four non-voting commission members.

Voting commissioners are appointed by the Board of Supervisors Rules Committee and approved by the Mayor for two-year terms. These individuals represent the general public and have interest and experience in animal matters. They must be residents of the city and County of San Francisco, except for the licensed veterinarian, who must practice in San Francisco, but who need not be a resident of San Francisco.

Non-voting commissioners are City employee delegates representing Animal Care & Control, the Police Department, Recreation and Park Department, and the Health Department. These delegates report to the Commission regarding their respective Department's activities, and participate in general discussions before the Commission as non-voting members. At the present time, the Recreation & Park and Health Departments send delegates on an as-needed or as-requested basis.

No two individuals on the Commission shall be representatives, employees, or officers of the same group, association, corporation, organization or City Department.

Terms of Office: Commissioners are appointed for a term of two years, unless a vacancy arises during a term at which time the vacancy will be filled for the unexpired term. A member holds office until his/her successor has been appointed and qualified. Any member who misses three regularly scheduled meetings of the Commission during each two year term without the express approval of the Commission will be deemed to have resigned from the Commission.

Officers: The Commission elects officers including a Chairperson, Vice Chair, and Secretary from among its appointed members. The term of office for officers is one year from the date of officer elections, which are held in July. All officer vacancies occurring during a term shall be filled for the unexpired term. Commissioners may repeatedly serve as officers. No member of the Commission shall receive compensation for serving thereon.

Meeting Facilitation: The Chairperson or his/her designee is the official spokesperson for the Commission. He/she shall preside at all Commission meetings, preserve order and decorum, decide on all questions of order, and appoint, in consultation with Commissioners, all committees and committee chairs.

Correspondence: The Chairperson or his/her designee and primary author of an adopted item for recommendation, shall sign and be responsible for all correspondence issued under the name of the Commission to the Board of Supervisors and the media.

II. COMMISSIONER ROLES AND RESPONSIBILITIES

Commissioners are responsible for fully preparing for meetings, attending and participating at Commission meetings, and for carrying through on follow-up tasks.

During Commission meetings, Commissioners should contribute to the discussion, listen carefully and respectfully to other Commissioners and the public, share ideas, concerns and suggestions candidly, act constructively and take responsibility for Commission follow-up.

Standards of Conduct

The Commission commits itself to high standards of conduct by means of:

- ♦ Supporting the Commission's missions, goals, and objectives by:
 - Collaborating with fellow commissioners, while respecting differences of opinion, to achieve shared goals
 - Maintaining open-lines of communication with fellow commissioners and/or commission officers
 - Focusing on issues regarding animal control and welfare within the city, rather than on individual recognition or securing special advantages for oneself
- ♦ Encouraging and promoting integrity in government by education and example
- ♦ Being accountable for its rules of procedure and decisions
- ♦ Promoting accountability to all members of the Commission
- ♦ Treating all commissioners, members of the public, and colleagues with respect, courtesy, objectivity, and fairness
- ♦ Conducting all commission business in a timely manner and in public meetings with full disclosure of policies, procedures, and decision making processes
- ♦ Reviewing its actions, recommendations, and procedures periodically to determine whether the Commission has adhered to its standards of conduct

Preparation for Commission Meetings

General Preparation:

- ♦ Review and research topics on the agenda prior to the meeting so you are fully prepared to participate in commission discussion and action.
- ♦ Email the Commission Chair a description of items to be included on the next agenda. Indicate whether the item is for discussion or discussion/action. Commissioners must submit their agenda items via email to the Chair 10 days prior to the next meeting.
- ♦ If you are unable to attend the meeting, you must inform the Commission Chair prior to the meeting.

Agenda Item Preparation:

- ♦ Verify the Commission's and Board of Supervisors' jurisdiction over the item.
- ♦ Have a clear purpose for bringing the item forward.
- ♦ Ascertain item's current legal standing.
- ♦ Gather all related information to share with the Commission and the public.

Presentation of Individual Agenda Items:

- ♦ Clearly and briefly discuss the purpose of bringing the item forward. Define the problem/issue.
- ♦ Discuss the causes of the issues/problem.
- ♦ Provide potential solutions.
- ♦ Distribute any relevant information to the Commission as well as the public.

During Commission discussion of the item, be prepared to answer the following questions:

- ♦ Does the Commission/Board of Supervisors have jurisdiction to deal with this situation/practice?
- ♦ What is the legal standing of the current situation/practice?
- ♦ What are the strengths and weakness of the current situation/practice?
- ♦ What are the affects of the current situation/practice?
- ♦ What would you like to change?
- ♦ What opportunities are available?

Commission Action:

- ♦ When the Commission has completed its discussion and the public has had a chance to comment, the Chair will call for a vote on the item.
- ♦ Once the Commission takes action, the Commission will need to determine:
 - Next action steps
 - Outcomes and timelines for each step
 - Who is responsible

Note: Make sure you are clear on the action before the Commission moves on to the next item.

At the end of each Commission meeting:

- ♦ Vice Chair reads the tasks assignments. Commissioners should be very clear about their assigned tasks.
- ♦ Each Commissioner with a task assignment must:
 - Confer with Commissioners who are working on the same issues (consistent with Sunshine) to discuss goals and timelines
 - Fulfill his/her share of responsibilities
 - Prepare for the next Commission meeting

III. COMMISSION MEETINGS

Commission meetings

- ♦ Publicly held monthly meetings are held the 2nd Thursday of each month (no meeting will be held in the month of December) at 5:30 pm, in City Hall, room 408.
- ♦ Interested individuals are welcome to attend and public participation and input are welcome and encouraged.
- ♦ All meetings of the Commission are public and open to the public.
- ♦ If a regular meeting would otherwise fall on a holiday, it shall instead be held on the next business day, unless otherwise rescheduled in advance.
- ♦ Public notification of meetings and agendas can be found on the Commission's website and in the public library at least 72 hours in advance.

Commissioner Conduct

- ♦ Meetings are run in accordance with the Sunshine Ordinance, the Brown Act, and Robert's Rules of Order.
- ♦ Commissioners must obtain Chair's recognition, by raising one's hand, in order to address the Commission and/or the public. The Commission Chair will assure that all Commissioners have sufficient time/opportunity to address the Commission and/or the public.

Newly Appointed Commissioners

- ♦ Responsible for educating themselves and being up to date on Commission issues.
- ♦ Speak to other Commissioners about issues addressed by the Commission.
- ♦ Review minutes and agendas from past meetings.
- ♦ Familiarize themselves with SF Health Code and Sunshine Ordinance. Attend Sunshine training.

Public Comment

- ♦ Members of the public shall have the opportunity to address the Commission once on any given agenda item for one to three minutes. Time limits shall be determined by the Chair and applied uniformly to members of the public wishing to testify.
- ♦ The Chair will ensure public comment is heard prior to the Commission taking action on any given item. The Commission is not required to answer or respond to the public's comments/questions.
- ♦ No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that Commissioners may respond to statements.

Definition of a Meeting:

According to the Sunshine Ordinance a meeting is:

- ♦ A congregation of a majority of the members of a policy body at the same time and place;
- ♦ A series of gatherings, each of which involves less than a majority of a policy body, to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the City, if the cumulative result is that a majority of members has become involved in such gatherings; or
- ♦ Any other use of personal intermediaries or communications media that could permit a majority of the members of a policy body to become aware of an item of business and of the views or positions of other members with respect thereto, and to negotiate consensus thereupon.

IV. ROLE OF CHAIR, VICE CHAIR, AND SECRETARY

Chair

- ♦ Facilitate meetings – keep the Commission on track and suggest ways we might go about making a decision
- ♦ Encourage full participation by Commission members
- ♦ Contribute as a Commissioner
- ♦ Prepare agenda – finalize for posting at least 72 hours prior to the meeting
- ♦ Email the agenda to the City Webmaster and Librarian for posting on the Commission website and in the public library, and bring copies to the meeting
- ♦ Notify the Clerk of the Rules Committee and the City Webmaster of any Commission vacancies
- ♦ Be responsible for, and/or work with designees, all correspondence issued under the name of the Commission to the Board of Supervisors and the media

Vice Chair

- ♦ Record task distribution list and timelines as determined in meetings
- ♦ Review the task list at the close of each meeting and email tasks list to the Commission
- ♦ Fill-in for Chair in the event of absence
- ♦ Participate in Commission work

Secretary

- ♦ Record and type minutes
- ♦ Ensure room set-up
- ♦ Send draft minutes via email to the City Webmaster and fellow commissioners within 10 days after the meeting
- ♦ Send amended minutes via email to the City Webmaster and public library within 10 days after the next meeting
- ♦ Bring copies of draft minutes to meetings for Commissioners and members of the public
- ♦ Manage the general voicemail of the Commission
- ♦ Pick up the Commission's mail
- ♦ Participate in Commission work

V. ISSUES CONSIDERED AND/OR ADDRESSED BY THE COMMISSION

The Commission has jurisdiction to address issues of animal abuse, cruelty, nuisance or any conditions that may directly or indirectly affect animals. The Commission's work focuses on the great variety of animals such as companion animals, wild animals, reptiles, birds, animals bred for human consumption, etc.

Some of the issues that have been addressed by the Commission include:

- Owner/guardian language
- Pets riding on MUNI
- The selling of fur
- Recreation & Park Department's Dog Policy
- Treatment of UCSF laboratory animals
- Live animal markets
- Cat declawing
- Bite-and-run responsibilities
- Humane care for outdoor dogs
- Elephants at the SF Zoo
- The selling and serving of foie gras
- Trap/neuter/return of feral cats

Recent Legislative Commission Successes

Our Commission was successful at recommending to and working with the Board of Supervisors to pass the following legislation between 2003-2005:

Owner/Guardian language

- ♦ The term "owner" was replaced with "owner-guardian" in all instances where San Francisco's municipal code mentions pets.

Health Code Section 40, Poop-scoop penalties

- ♦ The penalty for not picking up dog feces was increased from \$17 to \$319.

Cat de-clawing resolution

- ♦ A resolution was passed condemning the practice of cat de-clawing.

Health Code Section 41.12 (c), Care requirements for outdoor dogs

- ♦ Specific definitions for minimal care standards for dogs housed primarily outdoors were added to the Health Code for shelter, water, feeding, confinement, and exercise.

Health Code Section 39, "Bite and Run" legislation

- ♦ Those responsible for a said dog that bites a human or other domestic animal must exchange I.D., contact information, and rabies vaccination verification.

Removal of Elephants from the San Francisco Zoo

- ♦ A resolution was passed calling for the last two surviving elephants at the SF Zoo to be transferred to an elephant sanctuary.

Health Code 42.- Suspension of animal guardianship/ownership privileges

- ♦ The Health Code was expanded to allow for the suspension of animal guardianship/ownership privileges for three years, when deemed appropriate by the Vicious & Dangerous Dog Hearing Officer.

VI. SAN FRANCISCO ANIMAL-RELATED HEALTH CODES

- [Sec. 1.](#) - Report of Disease of Animals Required
- [Sec. 2.](#) - Penalty
- [Sec. 7.](#) - Contagious Diseases of Animals
- [Sec. 12.](#) - Keeping of Cows
- [Sec. 17.](#) - Dog Hospitals, Kennels, etc.
- [Sec. 27.](#) - Stable Permits
- [Sec. 32.](#) - Keeping of Beef Cattle
- [Sec. 37.](#) - Keeping and Feeding of Small Animals, Poultry and Game Birds
- [Sec. 38.](#) - Penalty
- [Sec. 40.](#) - Dog to be Controlled so as Not to Commit Nuisances
- [Sec. 40.5.](#) - Protection for Dogs in Motor Vehicles.
- [Sec. 40.6.](#) - Enclosure of Animals in Motor Vehicles
- [Sec. 41.](#) - Definitions
- [Sec. 41.1.](#) - Commission of Animal Control and Welfare; Membership; Appointment; Term
- [Sec. 41.2.](#) - Powers and Duties
- [Sec. 41.3.](#) - Reports
- [Sec. 41.4.](#) - Animal Care and Control Department; Establishment; Appointment of Animal Control Officer; Powers and Duties of Animal Care and Control Department
- [Sec. 41.5.](#) - Animal Control Officer; Powers and Duties; Badges
- [Sec. 41.5.1.](#) - Biting Dogs
- [Sec. 41.6.](#) - Impoundment
- [Sec. 41.7.](#) - Periods of Impoundment
- [Sec. 41.8.](#) - Redemption
- [Sec. 41.9.](#) - Disposition of Animals
- [Sec. 41.10.](#) - Charges and Fees
- [Sec. 41.11.](#) - Quarantine; Delivery of Carcass
- [Sec. 41.12.](#) - Duties of Owners
- [Sec. 41.13.](#) - Penalties
- [Sec. 41.14.](#) - Enforcement Against Violations on Property Under Jurisdiction of Recreation and Park Commission; Designated Officers and Employees
- [Sec. 41.15.](#) - Dogs; Dog License Fee Licensing Requirement; Fees; Term of License
- [Sec. 41.16.](#) - Reduction in Fee - Special Circumstances
- [Sec. 41.17.](#) - Fees - Late Payment
- [Sec. 41.18.](#) - Vaccination Required for License
- [Sec. 41.19.](#) - Young Dog Certificate.
- [Sec. 41.20.](#) - Certificate to Owner
- [Sec. 41.21.](#) - Removal of Tag Prohibited
- [Sec. 41.22.](#) - Duplicate :License or Registration Tag Issued.
- [Sec. 41.23.](#) - Exceptions.
- [Sec. 41.24.](#) - Enforcement.
- [Sec. 41.25.](#) - Penalties.
- [Sec. 42.](#) - Definitions.
- [Sec. 42.1.](#) - Fight Training Prohibited.
- [Sec. 42.2.](#) - Registration.
- [Sec. 42.3.](#) - Seizure of Dog: Hearings.
- [Sec. 42.4.](#) - Penalty; Misdemeanor or Infraction.
- [Sec. 42.5.](#) - Enforcement.
- [Sec. 42.6.](#) - Rewards.
- [Sec. 42.7.](#) - Severability.
- [Sec. 48.](#) - Unlawful to Sell Fowl or Rabbits as Pets or Novelties.
- [Sec. 49.](#) - Sale of Certain Animals Prohibited.
- [Sec. 50.](#) - Prohibition.
- [Sec. 50.1.](#) - Sale of Wild and Potentially Dangerous Animals Prohibited.
- [Sec. 51.](#) - Definition of "Wild and Potentially Dangerous Animal."

- [Sec. 52.](#) - Animals Eligible for Permits.
- [Sec. 53.](#) - Application and Fee for Permit.
- [Sec. 54.](#) - Confinement Regulations.
- [Sec. 55.](#) - Other Laws.
- [Sec. 56.](#) - Review of Application for Permit.
- [Sec. 57.](#) - Permit Restrictions.
- [Sec. 58.](#) - Term and Renewal of Permits.
- [Sec. 59.](#) - Revocation of Permits.
- [Sec. 60.](#) - Exceptions.
- [Sec. 61.](#) - Exception—For Transportation of Animals Through City and County.
- [Sec. 62.](#) - Notice of Escape.
- [Sec. 63.](#) - Impoundment.
- [Sec. 64.](#) - Notice of Removal.
- [Sec. 65.](#) - Disposition of Wild and Potentially Dangerous Animals.
- [Sec. 66.](#) - Penalty.

SEC. 1. REPORT OF DISEASES OF ANIMALS REQUIRED. Every veterinary physician or surgeon, and every person practicing as such, and every person owning or having animals in his care within the City and County of San Francisco, shall present to the Department of Public Health of said City and County a written notice of the existence of any and every case of glanders or farcy or other contagious or infectious diseases in animals, which may have come under his observation or to his knowledge, which notice shall be given within two days thereafter, and shall contain the name and residence of the possessor of the animal so diseased so far as the same can be ascertained, a description of the animal, and where last seen by the person giving the notice and be signed by him.

SEC. 2. PENALTY. Any person violating any of the provisions of Section 1 of this Article shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than \$20 nor more than \$500, or by imprisonment in the County Jail not less than 20 days nor more than six months.

SEC. 7. CONTAGIOUS DISEASES OF ANIMALS. No animal affected with any infectious or contagious disease shall be brought or kept within the limits of the City and County of San Francisco, except by permission of the Department of Public Health of said City and County.

It is hereby made the duty of all persons having any knowledge thereof to report promptly to said Department of Public Health all cases of animals affected with any infectious or contagious disease, and all cases which may be regarded as suspicious or which exhibit symptoms of any contagious or infectious disease.

The Department of Public Health shall, upon locating any animal sick as aforesaid, at once order a quarantine against the premises in which said animal is kept, said quarantine to operate only against the exposure of animals to contagion or infections and shall not be a bar to any person from entering or leaving said premises, unless the disease with which the animal is affected is dangerous to mankind.

The owner or custodian of any sick animal as aforesaid must, upon demand by the Department of Public Health, show to the satisfaction of said Department that he or she is competent to properly care for said animal, or that the animal is **under the** care of a veterinary surgeon.

If any developed case of sickness shall be pronounced incurable by the said Department, or by its designated veterinary surgeon, said Department is hereby authorized, empowered and directed to kill the animal so infected with incurable sickness, and to make such disposition of the carcass thereof as it may deem best; provided, however, that if the owner or manager of said animal at the time of such decree has employed a recognized veterinary surgeon to treat the animal and said veterinarian does not agree with the Department of Public Health as to the impossibility of effecting a cure, then and in that event the owner or manager of such animal shall be given the benefit of the doubt, and a reasonable time, not to exceed 30 days, shall be allowed such owner or manager in which to demonstrate to the Department of Public Health that the animal can be cured; and, provided further, that no carcass of any animal dead of an infectious or contagious disease, or killed on account thereof, shall be buried within 500 feet of any residence.

SEC 12. KEEPING OF COWS. It shall be unlawful for any person, firm or corporation to keep or cause to be kept any cows within the limits of the City and County of San Francisco, except as herein provided.

Any person, firm or corporation may keep one cow upon any lot within the City and County, subject to provisions of Section 27 of this Article and all other laws and ordinances regulating the erection and maintenance of stables.

Any person, firm or corporation may keep two or more cows if the person, firm or corporation so keeping the same shall set apart for the use of each two Cows so kept at least one acre of land, and such cows shall have full access thereto.

The provisions of this Section shall not apply to cattle temporarily confined for slaughtering purposes, nor to cattle in transit.

SEC 17. DOG HOSPITALS, KENNELS, ETC. It shall be unlawful for any person, firm or corporation, or association, to erect, establish or maintain any dog hospital, dog kennel, or hospital for sick animals within the City and County of San Francisco, without permission first obtained from the Department of Public Health

SEC. 27. STABLE PERMITS. It shall be unlawful to construct and maintain a stable, or to maintain an existing stable for one or more horses, donkeys, mules, cows, goats or livestock without a permit therefore from the Department of Public Health. The provisions of this Section and the provisions of Part II, Chapter I, of the Municipal Code shall not apply in cases where not more than two female goats are kept for the exclusive use of the owner's family.

No permit shall be granted for a stable hereafter to be constructed and maintained, or for the future maintenance as a stable of a building not used as such, except on the report of the Department of Public Health, or other such satisfactory evidence, that the proposed place of construction or maintenance of such stable is unobjectionable from the point of view of sanitation and of the health and physical welfare of the inhabitants of the immediate neighborhood of its location.

The provisions of this Section and the provisions Part II Chapter I of the Municipal Code shall not apply to an activity where, for less than 12 hours per day, horses are being hitched or unhitched, or standing or being fed waiting to be hitched or unhitched, provided such activity does not require or involve the construction or maintenance of a building.

The Department of Public Health shall not refuse a permit for the maintenance of a stable in a building now constructed and maintained as a stable except upon satisfactory evidence that such stable is conducted in an insanitary manner and the failure to remove the objection to the manner of its maintenance within a time to be Prescribed by said Department

A permit granted hereunder is subject to revocation by the Department of Public Health.

No permit shall be refused or revoked by the Department of Public Health except after a full hearing, and then only in the exercise of a sound and reasonable discretion by said Department. (Amended by Ord. 75-87, App. 3/20/87)

SEC. 32. KEEPING OF BEEF CATTLE. It shall be unlawful for any person, firm or corporation to keep or cause to be kept, any beef cattle within the boundaries of the City and County of San Francisco, excepting as hereinafter provided

For the sole purpose of loading, unloading and confining in corrals of beef cattle en route to the slaughtering houses, the provisions of this section shall not apply to that part of the City and County bounded and described as follows:

Commencing at the intersection of the southerly line of Islais Creek with the southwesterly line of Author Avenue and running thence southeasterly along the southwesterly line of Arthur Avenue to the northeasterly line of Ingalls Street; thence southwesterly along the northeasterly line of Ingalls Street to the southwesterly line of Galvez

Avenue; thence northwesterly along the southwesterly line of Galvez Avenue to the southeasterly line of Third Street; thence southwesterly along the southeasterly line of Third Street to the northeasterly line of Jerrold Avenue; thence northwesterly along the northeasterly line of Jerrold Avenue to the northwesterly line of Phelps Street; thence along Phelps Street in a southerly direction to Newcomb Avenue; thence along Newcomb Avenue to Quint Street; thence along Quint Street in a southerly direction to Scotia Avenue; thence along Scotia Avenue to Silver Avenue; thence along Silver Avenue to Augusta Street; thence along Augusta Street to Elmira Street; thence along Elmira Street to Islais Creek Channel; thence westerly to the tracks of the Ocean Shore Railway; thence northerly along the tracks of the Ocean Shore Railway to Napoleon Street; thence along Napoleon Street to Islais Creek; thence along Islais Creek to Third Street; thence along Third Street to the point of commencement.

SEC. 37. KEEPING AND FEEDING OF SMALL ANIMALS, POULTRY AND GAME BIRDS. It shall be unlawful for any person, firm or corporation to keep or feed, or cause to be kept or fed, or permit to be kept or fed, on premises over which any such person, firm or corporation may have control, more than four of the following Hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots, of any species, game birds of any species, or cats, within the residential districts.

(a) **Enclosures.** Any person, firm or corporation, keeping, feeding, or causing to be kept or fed, or permitting to be kept or fed, on premises over which such person, firm or corporation may have control, four or less hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots, of any species, game birds of any species or wild animals of any species, shall keep same in coops or enclosures that are approved by the Director of Public Health. Said coops or enclosures shall be not less than 20 feet from any door or window of any building used for human habitation.

If after due investigation, in the opinion of the Director of Public Health, the keeping or feeding of four or less hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, wild animals of any species, or cats, is not done in a sanitary manner, the Director of Public Health may serve written notice on the person, firm or corporation or remove same from the premises within 30 days.

(b) **Prohibition.** It shall be unlawful for any person, firm or corporation to engage in the business of keeping, feeding, or breeding any hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, dogs, cats, for commercial purposes, within the residential districts.

(c) **Commercial Purposes.** It is hereby declared to be unlawful to conduct for commercial purposes any establishment in which dogs, cats, hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, are kept and maintained in the commercial and industrial districts without first obtaining from the Department of Public Health a permit so to do.

No permit shall be issued by the Department of Public Health to any person, firm or corporation, to keep or maintain for commercial purposes any of the above named fowl, animals or birds within the commercial and industrial districts, unless said person, firm or corporation has complied in full with the following requirements

(1) It shall be unlawful to establish hereafter any place of business for the sale of the fowl, animals or birds specified above within 25 feet of any door, window or other opening of any dwelling, apartment house or hotel if live fowl animals or birds intended for sale are kept therein; provided, however, that this restriction shall not apply if a wall, ceiling, floor or other impermeable barrier between the place of business and such habitation will prevent odors and noise from disturbing the occupants of the habitation. It shall be unlawful to keep said live fowl, animals or birds in any basement, sub-basement or cellar in any place of business unless such basement, sub-basement or cellar is adequately ventilated, as approved by the Director of Public Health and is also adequately lighted, completely ratproofed and complies fully with the sanitary requirements set forth in Section 440, Article 8, Chapter V of this Code.

(2) The floors of all such premises must be of waterproof material, smooth and of durable construction properly drained to the sewer. These floor surfaces shall be coved at the juncture of the floor and wall with a 3/8-inch minimum radius coving and shall extend up the wall at least four inches.

(3) Said premises shall be ratproof, all openings properly fly-screened, and adequate provision must be made for the elimination of all odors.

(4) The walls and ceilings of all such premises must be of durable, smooth, nonabsorbent, washable surface, and be light-colored.

(5) In all premises where slaughtering of fowl, birds or animals is carried on in connection with the keeping of said fowl, birds or animals, the killing room must be entirely separate from that part of the premises occupied by the live fowl, animals or birds.

Refrigerating equipment must be installed for the reception of the dressed fowl, birds or animals, property connected to the sewer. Toilet and lavatory facilities for the use of the employees engaged in the handling and slaughtering of such birds, animals or fowl must be installed in conformity with the provisions of the plumbing law.

(d) **Exceptions.** The terms and provisions of this Section shall not apply to the keeping, liberation for exercise, or racing of homing or carrier pigeons which are not raised or kept for the market or for commercial purposes, and the lofts or pigeons houses wherein said homing or carrier pigeons are kept are elevated at least three feet above the ground or other foundation upon post-legs or pillars completely surrounded or covered by smooth, jointless galvanized sheet metal and within not less than 20 feet from the door or window of any building used for human habitation, and the entire floor and sides for at least two feet extending upwards from the bottom of the floor of said lofts or pigeons houses, are covered or protected by galvanized iron or its equivalent, concrete or 18 gauge wire mesh of not more than 1/2 inch and the interior of said lofts or pigeons houses, wherein such carrier or homing pigeons are kept, are registered by the owners thereof with the Department of Public Health of the City and County of San Francisco, and the said lofts or pigeon houses shall be inspected by the said Department of Public Health of the City and County of San Francisco at least once a year. (Amended by Ord. 256-90, App. 6/29/90)

SEC. 38. PENALTY. Any person, firm or corporation violating any of the provisions of Section 37 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100, or by imprisonment in the County Jail for not more than 30 days, or by both such fine and imprisonment.

SEC. 40. DOG TO BE CONTROLLED SO AS NOT TO COMMIT NUISANCES. (a) It shall be unlawful for any person owning or having control or custody of any dog to permit the animal to defecate upon the public property of this City or upon the private property of another unless the person immediately remove the feces and properly dispose of it; provided, however, that nothing herein contained authorizes such person to enter upon the private property of another without permission.

(b) It shall be unlawful for any person to walk a dog on public property of this City or upon the private property of another without carrying at all times a suitable container or other suitable instrument for the removal and disposal of dog feces.

(c) Visually handicapped persons who use Seeing Eye Guide Dogs are exempt from this law. (Amended by Ord. 420s78, App. 9/8/78)

SEC. 40.5. PROTECTION FOR DOGS IN MOTOR VEHICLES. It shall be unlawful to transport a dog in a motor vehicle upon any street within the City and County of San Francisco unless the dog is fully enclosed within the motor vehicle or is protected by a belt, tether, cage, container or other device that will prevent the dog from falling, jumping or being thrown from the motor vehicle. (Added by 49l-84, App. 12/13/84)

SEC. 40.6. ENCLOSURE OF ANIMALS IN MOTOR VEHICLES. No dog or other animal shall be left completely enclosed in a parked vehicle without adequate ventilation, or in such a way as to subject the animal to extreme temperatures which may adversely affect the animal's health and welfare. (Added by Ord. 166-85, App. 3/28/85)

SEC. 41. DEFINITIONS. As used in Sections 41.1 through 41.13, 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, partnership 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 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 Directors
- (k) "Animal Control Officer" or "-Animal Care and Control Officer" shall mean the Director of the Animal Care and Control Department. (Added by Ord. 3B6-75; amended by Ord. 182-89, App. 6/5/89)

SEC. 41.1. COMMISSION OF ANIMAL CONTROL AND WELFARE; MEMBERSHIP; APPOINTMENT; TERM. There is hereby established a Commission to be known as the Commission of Animal Control and Welfare of the City and County of San Francisco (hereafter called "Commission"), consisting of 11 members.

The Commission of Animal Control and Welfare shall consist of the Director of the Animal Care and Control Department or his or her designated representative, seven members to be appointed by the Board of Supervisors and one City Department representative member appointed by each of the following the Director of the Department of Public Health or his or her designated representative, the Chief of Police or his or her designated representative, and the General Manager of the Recreation and Park Department or his or her designated representative. The members appointed by the Board of Supervisors shall be six members representing the general public having interest and experience in animal matters and one licensed veterinarian practicing in San Francisco. Each member of the Commission of Animal Control and Welfare of the City and County of San Francisco shall be a resident of the City and County of San Francisco, except for the licensed veterinarian, who must practice in San Francisco, but who need not be a resident of San Francisco.

Three of the members who are first appointed by the Board of Supervisors shall be designated to serve for terms of one year and three for two years from the day of their appointment Thereafter, members shall be appointed as aforesaid for a term of two years, except that all of the vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his or her successor has been appointed and has qualified The Commission shall elect a chairman from among is appointed members.

Any member who misses three regularly scheduled meetings of the Commission during each two-year term without the express approval of the Commission given at a regularly scheduled meeting will be deemed to have resigned from the Commission.

The term of office as chairman of the Commission shall be for the calendar year or for the portion thereof remaining after each such chairman is elected. No member of the Commission shall receive compensation for serving thereon.

No two individuals on the Commission shall be representatives, employees or officers of the same group, association, corporation, organization, or City Department. (Amended by Ord. 59-82, App. 2/19/82; Ord. 182-89, App. 6/5/89; Ord. 394-89, ADO. 11/6/89)

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.

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

(c) Work with the Tax Collector to develop and maintain dog licensing procedures and make recommendations on fees. (Amended by Ord- 59-82, APP2/19/82; Ord. 182-89, ADD. 6/5/89)

SEC. 41.3. REPORTS. The Commission shall render written report of its activities to the Board of Supervisors quarterly. Such report shall include:

(a) Recommendations to the Board of Supervisors, the Mayor, and the Chief Administrative Officer for the development of policies and procedures which will further the objectives of animal welfare and control.

(b) Recommendations to the Board of Supervisors, the Mayor, and the Chief Administrative Officer of additional legislation deemed by the Commission to be necessary for animal welfare and control.

(c) Recommendations of actions to be taken by any agency, board, officer of this City and County for the purposes of furthering the objectives of animal welfare and control. (Added by Ord. 226-73, App. 6/22/73; amended by Ord. 182-89, App. 6/5/89)

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. 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 21 S through 223 of Part III of the Municipal Code. and any other

ordinances and laws pertaining to the care and control of animals. (Added by Ord. 226-73, App. 6/22/73; amended by Ord. 182-89, App. 6/5/89)

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.

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 in the case of any Deputy Animal Control Officer the words "Deputy Animal Care and Control Officer" engraved thereon. (Added by Ord. 226-73, App. 6/22/73; amended by Ord. 182-89, App. 6/5/89)

SEC 41.5.1. BITING DOGS. For purposes of this Section a biting dog shall be defined as follows: Any dog that bites any person or other animal in the City and County of San Francisco, provided, however, that the person or animal bitten was not at the time either provoking or teasing the dog without cause. For the purposes of this Section, the records of dog bites kept by the Department of Public Health shall be deemed official records and shall establish a rebuttal presumption of the number of bites recorded.

(a)(i) If a dog is reported and recorded by the Department of Public Health to have bitten any person or animal, the owner of said dog shall be deemed guilty of an infraction which shall be punishable by a fine of \$25. The Director of Public Health shall inform the Police Department of the bite of said dog and the Police Department shall issue a citation to the owner of said dog.

(ii) In the event that a biting dog causes severe injuries to a person or other animal the Director of Public Health may recommend that such dog be declared a menace to the public health and safety and he shall so inform the District Attorney by a written complaint. The District Attorney shall then bring said written complaint to the Municipal Court for a finding that the dog is a menace to the public health and safety. If the Court finds the dog to be a menace to the public health and safety, the owner thereof shall be subject to the provisions of paragraph (c) of this Section, and upon order of the Court, the Animal Control Officer or a Police Officer shall impound, hold and humanely destroy the dog in accordance with the procedures of paragraph (c) of this Section.

(b) If a dog is reported and recorded by the Department of Public Health to have bitten any person or animal a second time within 12 consecutive months from the first bite, the owner of said dog shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not less than \$25 nor more than \$250 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. The Director of Public Health shall inform the Police Department of the second bite of said dog and the Police Department shall issue a citation to the Owner of said dog.

(c) If a dog is reported and recorded by the Department of Public Health to have bitten any person or animal within 12 consecutive months from said dog's second bite, the Director of Public Health shall recommend said dog be declared to be a menace to the public health and safety and shall so inform the District Attorney by a written complaint. The District Attorney shall then bring said written complaint to the Municipal Court for a finding that the dog is a menace to the public health and safety. If the Court finds the dog to be a menace to the public health and safety, the owner thereof shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$50 nor more than \$500 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Upon order of the Court, the Animal Control Officer or a Police Officer shall immediately impound the dog, and after a period of 10 days from the time of impoundment, the dog shall be humanely destroyed unless the owner shows the Court good cause why said dog should not be destroyed. (Added by Ord. 232-78, App. S/19n8)

SEC 41.6 IMPOUNDMENT. Any animal engaging in an activity or existing in a condition which is prohibited by the provisions of Section 41.1 through 41.13, inclusive, of this Article, shall be taken up and impounded by the Animal Control Officer or taken to a veterinarian, as provided by State law.

It shall be the duty of every police officer, while on duty, to notify the Animal Control Officer of any animal which he or she knows to be injured or required to be impounded.

Any person may take up and deliver to the Animal Control Officer any animal at large in the City and County on public property or upon said person's private property or any animal owned by such person. Upon releasing ownership of an animal to the Animal Control Officer, the owner shall sign and be offered a receipt by the Animal Control Officer.

Every person taking up any animal under the provisions of this Section shall immediately thereafter give notice thereof to the Animal Control Officer, and every such person or any person in whose custody such animal may, in the meantime, be placed, shall deliver such animal to the Animal Control Officer without fee or charge, and the Animal Control Officer shall thereupon hold and dispose of said animal in the same manner as though said animal had been found at large and impounded. (Added by Ord. 77-7S, App. 3/12/7S; amended by Ord. 280-91, App. 7/3191)

SEC 41.7. PERIODS OF IMPOUNDMENT. All periods of impoundment herein referred to shall be deemed to commence at 12:01 as of the day following the day of impoundment

(a) All dogs, whether or not licensed or bearing identification and all other animals bearing identification shall be kept by the Animal Control Officer for a period of not less than 96 hours, unless redeemed within such period. The Animal Control Officer shall, within 24 hours of impoundment, telephone the owner of record of any animal wearing a license tag or identification, and failing to reach said owner by telephone within said 24 hour period, he shall immediately send notice of impoundment to said owner by mail. The owner of record shall be charged for the cost of all such notice of impoundment.

(b) Any impounded animal which is of a type referred to in Section 17003 of the Agricultural Code of the State of California shall be kept by the Animal Control Officer for at least five days unless it is redeemed within such period. If not so redeemed, said animal shall be turned over to the Bureau of Livestock Identification for disposition by that office.

(c) Any other animal, the impoundment of which is not otherwise specifically covered by law, shall be kept for at least 48 hours unless redeemed within such period. A wild animal which has been taken up by the Animal Control Officer shall be deemed not to be impounded unless there is reason to believe it has an owner. Such an animal need not be retained for any minimum period of time, but shall be returned to a park or wild area where lawful, unless said animal is dangerous or suffering excessively, in which case it may be forthwith humanely destroyed.

(d) Any animal which is voluntarily surrendered to the Animal Control Officer by the owner shall be deemed not to be impounded and need not be kept by the Animal Control Officer for any minimum period of time.

(e) Any animal which is placed in the custody of the Animal Control Officer by a public officer, on behalf of a person who is at the time unable to care for such animal, shall be deemed not to have been impounded and may be reclaimed by its owner upon payment to the Animal Control Officer of the charges for feeding and caring for said animal as set forth in Section 41.10 hereof. Any animal held in custody as provided herein which is not reclaimed by its owner within 14 days after notice to reclaim has been given to said owner shall be deemed to have been abandoned and may be sold, destroyed or otherwise disposed of by the Animal Control Officer, provided, however, that if said animal is dangerous to retain or is suffering excessively, it may forthwith be humanely destroyed by the Animal Control Officer (Added by Ord. 226-73; App. 6/22173)

SEC 41.8. REDEMPTION. The owner of any animal impounded or taken into custody may, at any time before the disposition thereof, redeem the same by paying all proper fees and charges accrued as provided for in Section 41.10 hereof, provided, however, that if the animal is subject to the licensing provisions of this Code, said licensing requirements shall also be satisfied before the animal shall be released. (Added by Ord. 226-73; App. 6/22173)

SEC 41.9. DISPOSITION OF ANIMALS.

(a) At the discretion of the Animal Control Officer, except as otherwise provided in Sections 41.1 through 41.13, inclusive, of this Article, any animal which 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, may be sold at private sale or public auction, 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 fees for each animal:

- 1) For each dog, the sum of \$5, plus, if applicable, the dog license fee provided for in Section 41.15 of Article 1 of the San Francisco Health Code.
- 2) For each cat, the sum of \$5.
- 3) For each hoofed animal, the sum of \$25.
- 4) For each rabbit, bird or similar small animal, the sum of \$5.
- 5) If the purchaser of a dog or cat is 65 years of age or older, the fee to be paid for each dog or cat shall be 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 employ 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 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.

(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. (Amended by Ord. 575-85, App. 12/27/85; Ord. 182-89, App. 6/5/89; Ord. 411-94, App. 12/16/94)

SEC. 41.10. CHARGES AND FEES. The Animal Control Officer shall charge and collect the following fees from the owner of any animal impounded or otherwise taken into custody:

- | | |
|---|---------|
| (a) Redemption fees: | |
| For each dog, the sum of..... | \$15.00 |
| For each cat, the sum of..... | \$15.00 |
| For each hoofed animal, the sum of..... | \$25.00 |
| For each rabbit, bird or other animal, the sum of..... | \$15.00 |
| (b) Voluntary lifetime cat registration fee: | |
| For each cat, the sum of..... | \$ 5.00 |
| (c) Spay/neuter deposit fee: | |
| For each dog, the sum of..... | \$25.00 |
| For each cat, the sum of..... | \$25.00 |
| (d) For feeding and providing ordinary care for animals, the following sums, per day: | |
| | \$ 5.00 |
| | \$ 5.00 |

For each dog, the sum of.....	\$ 5.00
For each cat, the sum of.....	\$ 5.00
For each hoofed animal, the sum of.....	
For each rabbit, bird or other animal, the sum of.....	

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

(f) In the event that 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.

(g) In the event that 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.

(h) For extraordinary care or expense provided for an animal, an additional fee consisting of the actual expense incurred shall also be charged. (Amended by Ord. 360-77, App. 11/10/77; Ord. 238-87, App. 6/25/87; Ord. 182-89, App. 6/5/89; Ord. 411-94, App. 12/16/94)

SEC. 41.11. QUARANTINE; DELIVERY OF CARCASS. (a) Any animal falling into one or more of the following categories shall be isolated or quarantined at the place and under the conditions prescribed by the Health Officer and pertinent State laws and regulations:

- 1) Known rabid animals;
- 2) Suspected rabid animals;
- 3) Animals (mammals) which have bitten or otherwise exposed a human being to rabies or suspected rabies;
- 4) Animals (mammals) which have been bitten by a known or suspected rabid animal or have been in intimate contact with the same.

(b) It shall be unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the Health Officer or pertinent State laws or regulations.

(c) It shall be the duty of any person having knowledge of any animal which has bitten a human being or other animal within the City and County to immediately report the fact to the Health Department and to furnish complete information thereof.

(d) Upon the death of any animal enumerated in Subsection (a) hereof in the custody of the Animal Control Officer, said Animal Control Officer shall arrange for delivery of the carcass of said animal or an adequate specimen thereof to the Health Officer. (Added by Ord. 226-73, App. 6/12/73)

SEC. 41.12. DUTIES OF OWNERS.

(a) It shall be unlawful for the owner of any animal, other than a domestic cat, to permit said animal to run at large within the City and County; provided, however, that the provisions of this subsection shall not be applicable to any area under the jurisdiction of the Recreation and Park Commission of the City and County, and which has been designated by said Commission as an animal exercise area.

1. It shall be unlawful for the owner of any animal to permit said animal to be within an area designated as an animal exercise area unless said owner is physically present at all times during which the animal is within said area.

(b) It shall be unlawful for the owner of any animal to permit said animal to breed on public property; provided, however, that the provisions of this subsection shall not be applicable to departments of the City and County,

recognized educational institutions, licensed clinical laboratories, or medical research facilities which are in conformity with Federal or State laws.

(c) The owner of any animal shall provide proper and adequate food, water, shelter, care, exercise and attention for such animals.

(d) Any person who shall keep or permit to remain on any premises within the City and County of San Francisco any "Barking Dog" as defined in Section 41(i) of this Code, is guilty of a violation of this ordinance, provided that, during the time the dog is barking, no person is trespassing or threatening to trespass or no person is teasing or provoking the dog.

(e) Any two unrelated persons, living in different households within 300 feet of the location of the disturbance who are disturbed by a "Barking Dog" as defined in Section 41(i) of this Code may, after signing an affidavit setting forth the information in this subsection, request a police officer to issue a citation to the owner of the dog causing the disturbance for violation of Subsection (e) of this Section. (Added by Ord. 287-76, App. 7/16176)

SEC. 41.13. PENALTIES. Any person violating any of the provisions of Sections 41.1 through 41.12, inclusive, of this Article, except the provisions of Sections 41.5.1, 41.11(c), 41.12(a) and 41.12(d), shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

Any person violating the provisions of Sections 40,41.11(c) and 41.12(a) of this Article shall be deemed to be guilty of an infraction and upon conviction thereof shall be punished for the first offense by a fine not to exceed \$10; for the second offense by a fine not to exceed \$25; for a third and each additional offense by a fine not to exceed \$50.

Any person violating the provisions of Section 41.12(d) of this Article shall: (1) upon the first offense in any 12-month period, be deemed to be guilty of an infraction and upon conviction thereof shall be punished by a fine not to exceed \$10; (2) upon the second offense in any 12-month period, be deemed to be guilty of an infraction and upon conviction thereof shall be punished by a fine not to exceed \$50; (3) upon the third and each additional offense in any 12-month period, be deemed to be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

Any person violating the provisions of Section 41.5.1 of this Article shall be subject to the penalties provided in said section. (Amended by Ord. 201-78, App. 4121178)

SEC. 41.14. ENFORCEMENT AGAINST VIOLATIONS ON PROPERTY UNDER JURISDICTION OF RECREATION AND PARK COMMISSION; DESIGNATED OFFICERS AND EMPLOYEES.

(a) Pursuant to California Penal Code, Title 3, Section 836.5, the classes of officers or employees of the City and County of San Francisco, Recreation and Park Department, listed below are empowered to enforce provisions of Section 41.12, pursuant to Section 41.13 of this Code against violations committed on property under the jurisdiction of the Recreation and Park Commission as an infraction, by exercising arrest and citation authority.

Classification No.	Class Title
8208	Park Patrol Officer
8210	Supervisor Park Patrol

(b) Enforcement Procedure. In the enforcement of said provisions the classes of officers and employees set forth in this section shall utilize, where appropriate, the procedure as prescribed by Section 836.5 and Chapter 5C (commencing with Section 853.5) of Title 3, Part 2, of the Penal Code of the State of California. (Added by Ord. 435-89, App. 12t6/89)

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.

(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 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 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) \$24 for a one-year license;
- 2) \$45 for a two-year license;
- 3) \$66 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, in the office of the Tax Collector, and at any other authorized licensing entity charged with the collection of said fees. (Added by Ord. 280-92, App. 8/31/92; amended by Ord. 472-96, App. 12/13/96; Ord. 2-02, File No. 010491, App. 1/18/2002; Ord. 153-02, File No. 021077, App. 7/12/2002)

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 neutered or spayed in accordance with this Article, the license shall be prorated, as follows:

- A. \$12 for a one-year license;
- B. \$21 for a two-year license;
- C. \$30 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 above. (Added by Ord. 280-92, App. 8/31/92; amended by Ord. 472-96, App. 12/13/96; Ord. 153-02, File No. 021077, App. 7/12/2002; Ord. 5-03, File No. 021645, App. 1/24/2003)

SEC. 41.17. FEES-LATE PAYMENT PENALTY.

(a) A late charge of \$10 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. (Added by Ord. 280-92, App. 8/31/92; amended by Ord. 153-02, File No. 021077, App. 7/12/2002)

SEC. 41.18. VACCINATION REQUIRED FOR LICENSE.

(a) So long as the State of California has declared the City and County of San Francisco to be a rabies-endemic county, it shall be a requirement that every person owning, keeping or controlling a dog over the age of four months within the City and County of San Francisco shall at all times have procured current vaccination of the dog by a licensed veterinarian with an approved canine antirabies vaccine.

(b) Upon proof of a current antirabies vaccination, a license may be issued pursuant to this Article for any period not to exceed 36 months, or three years. However, the license period shall in no event exceed the remaining period of validity of the animal's current antirabies vaccination. (Added by Ord. 280-92, App. 8/31/92)

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 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. (Added by Ord. 280-92, App. 8/31/92)

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 or other authorized agency a certificate stating (1) the period for which such license or registration fee is to be 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 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. (Added by Ord. 280-92, App. 8/31/92)

SEC. 41.21. REMOVAL OF TAG PROHIBITED. It shall be unlawful for any person to remove a license tag from any dog or cat not owned by him or her or not lawfully in his or her possession or under that person's control, or to place on any dog or cat any such license or registration tag not issued as above provided for the particular dog or cat, or to make or to have in possession or to place on a dog or cat any counterfeit or imitation of any license or registration tag provided for in Section 41.20 of this Article. (Added by Ord. 280-92, App. 8/31/92)

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, 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 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 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, 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. (Added by Ord. 280-92, App. 8/31/92)

SEC. 41.23. EXCEPTIONS.

(a) The provisions of Sections 41.15 to 41.22, inclusive, of this Article shall not apply to any of the following:

- 1) Dogs or cats owned or in the custody of or under the control of persons who are nonresidents of the City and County, or temporarily sojourning therein for a period not exceeding 30 days;
- 2) Dogs or cats brought to said City and County exclusively for the purpose of entering the same in any dog or cat show or exhibition, and which are actually entered in and kept at such show or exhibition;
- 3) Dogs or cats owned by nonprofit zoological gardens open to the public;
- 4) Dogs or cats owned by duly incorporated and qualified organizations and societies for the humane treatment and prevention of cruelty to animals;
- 5) Dogs or cats owned by pet shops, circuses, animal exhibits, and other enterprises maintaining animals which have been granted business licenses and kennel licenses by the City and County;
- 6) Dogs or cats used for teaching or diagnostic purposes or research in conformity with State or Federal laws.

(b) No license fee shall be levied for any dog license issued for any of the following:

- 1) A professionally trained and certified guide dog owned by or in the custody of a blind or partially blind person;
- 2) A signal dog owned by or in the custody of a deaf person or person whose hearing is impaired. A "signal dog" shall mean any dog trained to alert a deaf person, or a person whose hearing is impaired, to intruders or sounds, as defined in Section 54.1 of the California Civil Code;
- 3) A service dog owned by or in the custody of a physically handicapped person. A "service dog" shall mean any dog individually trained to the physically disabled participant's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items, as defined in Section 54.1 of the California Civil Code. (Added by Ord. 280-92, App. 8/31/92)

SEC. 41.24. ENFORCEMENT. It shall be the duty of the Animal Control Officer and every police officer while on duty to enforce the provisions of Sections 41.15 to 41.22, inclusive, of this Article requiring owners of dogs to obtain a license for same. (Added by Ord. 280-92, App. 8/31/92)

SEC. 41.25. PENALTIES.

(a) Any person violating the provisions of Section 41.21 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.

(b) Any person violating the provisions of Section 41.15 or 41.19 of this Article shall be deemed guilty of an infraction and upon conviction thereof shall be punishable by a fine of not less than \$25 nor more than \$50. (Added by Ord. 280-92, App. 8/31/92)

SEC. 42. DEFINITIONS. As used in Sections 42 through 42.5, inclusive, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent

(a) "Vicious and dangerous dog" means:

- 1) Any dog that when unprovoked inflicts bites or attacks a human being or domestic animal either on public or private property, or in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or any public grounds or places; or
- 2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- 3) Any dog which engages in, or is found to have been trained to engage in, exhibitions of dog fighting; or
- 4) Any dog at large found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.

(b) "Vicious and dangerous dog" does not mean:

- 1) Any dog that attacks or inflicts bites upon a trespasser of a fully enclosed building; or
- 2) Any dog used in the military or police if the bites attack occurred while the dog was performing in that capacity.

(c) "Enclosure" means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to humanely confine a dog with adequate exercise area, and posted with an appropriate warning sign, in conjunction with other measures which may be taken by the owner or keeper.

(d) "Animal Control" means any person designated under the Administrative Code as the City Pound Keeper or Animal Control Officer.

(e) "Impounded" means taken into the custody of the City pound.

(f) "Person" means a natural person or legal entity, including but not limited to, a corporation, firm, partnership or trust.

(g) "Hearing officer" means any designated representative of the Department of Public Health or the Police Department who conducts a hearing pursuant to Section 42.4. (Added by Ord. 408-87, App. 10/9/87)

SEC. 42.1. FIGHT TRAINING PROHIBITED. It shall be unlawful to fight-train, keep, harbor, transport through the limits of the City and County of San Francisco, own, or in any way possess a dog for the purpose of dog-fight exhibitions. Scars and wounds are rebuttable evidence of participation in dog-fight exhibitions or training. "Fight training" is defined to include but not be limited to:

(a) The use or possession of treadmills unless under the direction of a veterinarian

(b) Actions designed to torment, badger or bait any dog for purpose of encouraging said dog for fight exhibitions;

(c) The use of weights on the dog unless under the direction of a veterinarian;

(d) The use of other animals for blood sport training;

(e) Any other activity the primary purpose of which is the training of dogs for aggressive or vicious behavior or dog-fight exhibitions. (Added by Ord. 408-87, App. 10/9/87)

SEC. 42.2. REGISTRATION. Any dog found to be vicious and dangerous either as a result of (1) the actions of the dog constituting vicious and dangerous behavior occurring in the presence of an animal control officer, or representative of the Department of Public Health or Police Department; and upon finding after hearing under Section 42.3; (2) a signed complaint or a verbal complaint with corroborating evidence by an animal control officer or representative of the Department of Public Health or Police Department; and (3) upon a finding after hearing under Section 42.3, shall be registered with the Department of Public Health, Bureau of Communicable Communicable Control, Animal Bite Investigation Unit.

All such dogs shall be registered within 10 days of the effective date of the finding. The Department of Public Health shall establish a registration fee not to exceed \$ 50.

Furthermore, the keeping of a registered dog shall be subject to the following conditions

(a) Number and Tattoo. The owner or keeper shall have the licensing number assigned to such dog, or such other identification number as the City shall determine, tattooed by a licensed veterinarian or Department of Public Health representative on the dog's upper inner lip, inner thigh or elsewhere as directed by the Department of Public Health. For the purposes of this section ""tattoo" shall be defined as any permanent numbering of a dog by means of indelible or permanent ink with the number designated by the Department of Public Health, or any other permanent method of tattooing acceptable to the Department of Public Health.

(b) Display of Sign. The owner or keeper shall display a sign on his or her premises warning that there is a vicious and dangerous dog on the premises. Said sign shall be visible and capable of being read from the fronting street or public highway.

(c) Confinement Indoors No registered dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition except to a secured enclosure. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen door are the only obstacle preventing the dog from exiting the structure.

(d) Confinement Outdoors. When outside, all registered dogs shall be confined in a secure enclosure, except when necessary to obtain veterinary care or to comply with commands or directions of a City official. All such enclosures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

Whenever necessity requires a registered dog to be outside of the enclosure, the dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, with handgrip, and shall be under the direct control and supervision of the owner or keeper of the dog.

(e) Reserved.

(f) Identification Photographs. All owners, keepers or harborers of a registered dog must, within 10 days of the effective date of this ordinance, provide to the Director of Communicable Disease Control. or his or her designee, two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(g) Reporting Requirements. All owners, keepers or harborers of a registered dog must within 10 days of the incident report the following information in writing to the Director of Communicable Disease Control. or his or her designee:

- a. The removal from the City or death of a registered dog;
- b. The new address of a registered dog owner should the owner move within City limits.

(h) Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a dog registered with the City to any person within the City; provided that the owner of a registered dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who neither reside within the City nor intend to train, keep, harbor, own. or in any way possess such animal in the City providing written approval of such sale or transfer by an authorized officer or employee of the city or county where the dog is intended to be kept

(i) Violation of Registration Requirements. It shall be unlawful for the owner. keeper or harborer of a dog registered with the City to fail to comply with the requirements and conditions set forth in this ordinance regarding registration. Any dog found to be the subject of a violation of these registration requirements shall be subject- to seizure and impoundment. In addition, failure to comply will be cause for the revocation of the license of such animal resulting in the immediate removal of the animal from the City. (Added by Ord. 408-87. App. 10/9/87)

SEC. 42.3. SEIZURE OF DOG: HEARINGS.

(a) Subject to Seizure. Upon the receipt of a signed complaint, or upon the personal observation of an Animal Control Officer, or a representative of the Department of Public Health or Police Department, that a dog is vicious and dangerous, and said dog is on its owner, keeper or harbinger's property, the Animal Control Officer, or the Department of Public Health or Police Department representative, may find the dog presents a danger and is subject to seizure and Impoundment. Upon a finding that the dog is subject to seizure, written notice of such finding shall be made to the owner, keeper or any adult in apparent control or possession of the dog. Prior to the seizure of the dog, the owner or keeper of the dog shall be entitled to a hearing as described in paragraph (c) of this section.

(b) Immediate Seizure. (i) Should any Animal Control Officer, representative of the Department of Public Health or the Police Department determine that probable cause exists to believe that a dog is vicious and dangerous and cannot be properly controlled, such dog is subject to immediate seizure. The owner or keeper of the dog shall be entitled to a hearing upon seizure as described in paragraph (c) of this section, and upon the hearing the owner of any dog found to be vicious or dangerous shall be assessed the costs of sheltering the dog and of administering the ordinance.

(ii) Upon the receipt of a signed complaint, or upon the personal observation of an Animal Control Officer, or a representative of the Department of Public Health or Police Department, that a dog has killed or wounded, or assisted in killing or wounding any domestic animal, or has attacked, assaulted, bit or otherwise injured any person or assisted in attacking, assaulting, biting or otherwise injuring any person, such dog shall be subject to immediate seizure and Impoundment. The owner or keeper of the dog shall be entitled to a hearing upon seizure as described in paragraph (c) of this section.

(c)(i) Prior to the seizure of any dog authorized by paragraph (a) and within three days of the seizure of any dog pursuant to paragraph (b) a hearing officer shall inform, in writing, the owner or keeper of the dog that the person's dog is alleged to be vicious and dangerous and be subject to penalties under this ordinance. Unless the hearing is waived by the owner or keeper of the dog, or the hearing is scheduled on an agreed-upon date not later than 30 days from date of incident, the hearing officer shall fix a time not less than 30 nor more than 60 days from date of the incident, and fix a place for said hearing and cause all parties to be notified, not less than 15 days before the date of such hearing. The hearing may be informal and the rules of evidence not strictly observed. It shall not be necessary, for the City, to prove that the owner or keeper of the dog knew that the dog was vicious and dangerous. Within 15 days following the hearing, the hearing officer shall issue his or her decision to all parties.

(ii) Should the hearing officer find the dog to be vicious and dangerous, the hearing officer shall order the dog be registered pursuant to Section 42.2, and that the dog be spayed or neutered. The hearing officer may, in addition, order the dog and the owner, keeper and any person in control of the dog attend and complete a basic obedience course under an approved and recognized obedience trainer or dog-training organization.

(iii) In the event the hearing officer concludes that the dog is vicious and dangerous and that the health, safety and welfare of the community is not adequately addressed by the requirements provided in Section 42.3(c)(ii), the hearing officer may order the dog destroyed.

(iv) The decision of the hearing officer is final. (Added by Ord. 408-87, App. 10/9/87)

SEC. 42.4. PENALTY; MISDEMEANOR OR INFRACTION. Any person who violates any provision of Sections 42 through 42.6 shall be deemed guilty of a misdemeanor or infraction.

- (a) If charged as an infraction, the penalty upon conviction of such person shall be a fine not exceeding \$500.
- (b) If charged as a misdemeanor, the penalty upon conviction of such person, shall be imprisonment in the County Jail for a period not to exceed one year or by a fine not exceeding \$1,000, or by both such fine and imprisonment. Upon conviction of a misdemeanor the court may prohibit the person from owning, keeping or otherwise being in control of a dog within the City and County for a period of one year. Violation of that prohibition shall constitute a misdemeanor.
- (c) The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction. (Added by Ord. 408-87, App. 10/9/87)

SEC. 42.5. ENFORCEMENT. Any provision of Sections 42 through 42.3, may be enforced by the Department of Public Health, the Police Department, or the City Animal Control Officer, or any authorized designee. Complaints of any violations of Sections 42 through 42.3 subject to penalties under Section 42.4 shall be presented to the District Attorney for prosecution. (Added by Ord. 408-87, App. 10/9/87)

SEC. 42.6. REWARDS. Subject To the budgetary and fiscal provisions of the Charter, the City is authorized to offer rewards not exceeding \$250 to any person providing information leading to the arrest of any person for violations of prohibitions against the training of a dog for dog-fight exhibitions. The Board of Supervisors may authorize said rewards by resolution upon request of the Department of Public Health, Animal Control Officer or the Mayor. (Added by Ord. 408-87, App. 10/9/87)

SEC. 42.7. SEVERABILITY. If any pan or provision of Sections 42 through 42.6, or application thereof, to any person or circumstance is held invalid, the remainder of the section, including the application of such pan or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of the sections are severable. (Added by Ord. 408-87, App. 10/9/87)

SEC. 48. UNLAWFUL TO SELL FOWL OR RABBITS AS PETS OR NOVELTIES.

(a) It shall be unlawful for any person, firm or corporation to displays sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings or other fowl as pets or novelties, whether or not dyed, colored, or otherwise artificially treated.

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

(c) Any person, firm or corporation violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$5 nor more than \$50 for each and every offense. (Added by Ord. 81-78, App. ~/10/78)

SEC. 49. SALE OF CERTAIN ANIMALS PROHIBITED. Those species of animals as the Board of Supervisors may designate by ordinance may not be sold within the territorial limits of the City and County of San Francisco: provided, however, that the following animals shall not be prohibited: psittacine birds, canaries, finches, fish, turtles, hamsters, domestic dogs, domestic cats, domestic rats, domestic mice, and guinea pigs.

Nothing in this Section shall prohibit City Departments, recognized educational institutions, licensed clinical laboratories, or medical research facilities which are in conformity with State or Federal laws from taking title to or possessing animals the sale of which may be prohibited by ordinance as specified above. (Added by Ord. 314 71; App. 12/23/71)

SEC. 50. PROHIBITION. No person shall have, keep, maintain or have in his possession or under his control any wild and potentially dangerous animal as defined in Section 51, unless excepted there from pursuant to Sections 50 through 66 of this Chapter. (Added by Ord. 81-78, App. ~/10/78)

SEC. 50.1. SALE OF WILD AND POTENTIALLY DANGEROUS ANIMALS PROHIBITED. It shall be unlawful for any person, firm or corporation to sell or offer for sale any wild and potentially dangerous animal as defined in Section 51 within the limits of the City and County of San Francisco. (Added by Ord. 81-78, App. ~/10/78)

SEC. 51. DEFINITION OF "WILD AND POTENTIALLY DANGEROUS ANIMAL". For purposes of Sections 50 through 66, a wild and potentially dangerous animal is defined as an animal which is wild by nature and not customarily domesticated in the City and County of San Francisco and which, because of its size, disposition, or other characteristics could constitute a danger to human life or property. Such wild and potentially dangerous animals shall be deemed to include:

1. Class Mammalia

A) Order Carnivora

1. Family Canidae (dog). excepting Canis Familiaris (domestic dog). and including but not limited to such members as the wolf. the coyote and the jackal.

2. Family Felidae (cat). including but not limited to such members as the tiger. the jaguar. the leopard. the lion and the cougar. excepting Felix Catus.

3. Family Hyenidae (hyena).

4. Family Ursidae (bear).

B) Order Proboscidea (elephant).

C) Order Primata (primates). including but not limited to the chimpanzee, the baboon. the orangutan, the gibbon, and the gorilla excepting the Family Hominidae (man).

D) Order Artiodactyla even-toed hoofed mammals. excluding the domesticated species of the Family Suidae (domestic pig) and Family Bovidae (cattle. sheep, goats).

E) Order Perissodactyla, odd-toed hoofed mammals, excluding the domesticated species of the Family Equidae (horses, donkeys. etc.)

II. Class Reptillia

A) Order Squamata

1. Sub-Order Serpentes. all front and rear fanged venomous snakes and all species of the Families Boidae and Pythonidae.

2. Sub-Order Lacertilia, both venomous species of the Family Helodermatidae (Gila monster and Mexican beaded lizard).

B) Order Crocodilia (crocodile and alligator).

III. Any other species of the animal kingdom (as opposed to vegetable or mineral) which is venomous to human beings whether its venom is transmitted by bite. sting, touch or other means, except the honey-producing bee.

(Added by Ord. 81-78. App. 2/10/78)

SEC. 52. ANIMALS ELIGIBLE FOR PERMITS. Thirty days after the effective date of this ordinance, no person shall have. keep. maintain or have in his or her possession or under his or her control any wild animal of the kinds included in this Section. unless said animal is the subject of a valid permit granted to such a person. Animals eligible for said permits shall be limited to the following: Species known as Saimiri sciurea (squirrel monkey). Mustela putorius (ferret) for whom a state permit has been received and family Callithricidae (marmosets). (Amended by Ord. 542-82. App. 11/26/82)

SEC. 53. APPLICATION AND FEE FOR PERMIT. An application for any permit allowed pursuant to Section 52 of this Chapter shall be made by any person who has in his possession or under this control. a wild and potentially dangerous animal. to the Director Health Care Services. hereinafter referred to as the Director. in writing and upon a form furnished by the Director or his designated representative. Said application shall be verified by the person who desires to have. keep. maintain, or have in his possession. or under his control. in the City and County, the animal for which a permit is allowed. and shall set forth the following:

(a) name. address. and telephone number of the applicant:

(b) The applicant's interest in such wild and potentially dangerous animal:

(c) The proposed location. and the name. address. and telephone number of the owner of such location. and of the lessee. if any:

(d) The general description as well as the date of birth and/or age of the wild and potentially dangerous animal for which the permit is sought:

(e) Any information known to the applicant concerning vicious or dangerous propensities of such wild and potentially dangerous animal:

(f) The housing arrangements for such wild and potentially dangerous animal with particular details as to safety of structure, locks, fencing, and other satisfactory devices which shows a compliance with Section 54;

(g) Noises or odors anticipated in keeping of such wild and potentially dangerous animals;

(h) Prior history of incidents affecting the public health or safety involving said wild and potentially dangerous animal;

(i) Any additional information required by the Director at the time of filing such application or thereafter; and

(j) Upon issuance of the permit for which application has been made, the applicant shall pay a fee of \$75 to the Tax Collector. (Added by Ord. 81-78, App. 2/10/78)

SEC. 54. CONFINEMENT REGULATIONS. The Director, in consultation with the Animal Control Officer, the Zoo Director, the City Planning Department and the Police Department, may set regulations in connection with the issuance of permits regarding the size and type of cage or other means of confinement, the distance from the place of confinement to adjoining property, and any other regulations deemed reasonably necessary by the Director to ensure the maintenance of humane and sanitary conditions for the animal and the safety of persons and property. A copy of the rules and regulations shall be furnished by the Director of the Bureau of Environmental Health Services upon request. In applying the regulations to a given situation, the Director shall take into consideration the type, nature, disposition and training of the specific wild and potentially dangerous animal involved. (Added by Ord. 81-78, App. 2/10/78)

SEC. 55. OTHER LAWS. In applying for a permit under Section 52 of this Chapter, the applicant must provide assurance that he is in compliance with all applicable local, state, and federal laws and regulations regarding such wild and potentially dangerous animals. (Added by Ord. 81-78, App. 2/10/78)

SEC. 56. REVIEW OF APPLICATION FOR PERMIT. Copies of any application for permit under Section 52 of this Chapter shall be sent by the Director to the Police Department, the Animal Control Officer, the City Planning Department and the Zoo Director for their approval, and no permit shall be granted without the receipt of these approvals. The filing of an application constitutes agreement by the applicant to allow inspection of the premises where the animal is kept or will be kept for the purpose of determining approval or disapproval of the permit application as well as the continued compliance with the provisions of this ordinance by all participating agencies. (Added by Ord. 81-78, App. 2/10/78)

SEC. 57. PERMIT RESTRICTIONS. No permit shall be granted except with such conditions attached as shall, in the opinion of the Director, reasonably insure the health, safety, and general welfare of the public and said animal referred to in the permit application. The applicant must show knowledge and ability to properly care for said animal, and no permit shall be issued to any person who has been found guilty of cruelty to animals. The permit shall be nontransferable; it shall apply only to the animal described therein which is confined at the location stated therein and shall be valid only to the person named as owner of said animal therein. (Added by Ord. 81-78, App. 2/10/78)

SEC. 58. TERM AND RENEWAL OF PERMITS. No permit required by Section 52 of this Chapter shall be granted for a period in excess of one year. An application for a new permit shall be made not less than 45 days prior to the expiration of the prior Permit. (Added by Ord. 81-78, App. 2/10/78)

SEC. 59. REVOCATION OF PERMITS. The Director may, for good cause, revoke any permit or provisions thereof. In the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, the Director may suspend any permit or portion thereof without hearing, for a period not to exceed 30 days, and in such case the animal referred to in said permit will be taken into protective custody by the Animal Control Officer. (Added by Ord. 81-78, App. 2/10/78)

SEC. 60. EXCEPTIONS. The provisions of Sections 50 through 66 of the Chapter shall not prohibit the selling, having, keeping, maintaining, possessing, or controlling of any wild and potentially dangerous animals within the City and County of San Francisco by any of the following: zoos, circuses, museums, educational institutions, veterinary hospitals, the public pound, or film and video productions, provided that said animals are had, kept, maintained, possessed or controlled in compliance with other local, state and federal regulations and said animals are confined in a manner deemed by the Director to protect the public from harm, and a California Board-certified veterinarian is present to insure the well-being of said animals. (Added by Ord. 81-78, App. 2/10/78; amended by Ord. 331-93, App. 10/22/93)

SEC. 61. EXCEPTION-FOR TRANSPORTATION OF ANIMALS THROUGH CITY AND COUNTY. The provisions of Sections 50 through 66 of this Chapter shall not apply to any wild and potentially dangerous animal, when such person, with the permission of the Department of Public Health, is transporting such animal through the City and County, has taken adequate safeguards to protect the public and has notified the Department of Public Health, the Police Department and the Animal Control Officer of the proposed route of transportation and time thereof. (Added by Ord. 81-78, App. 2/10/78)

SEC. 62. NOTICE OF ESCAPE. Any person who has, keeps, or maintains a wild and potentially dangerous animal as permitted in Section 52 of this Chapter that escapes from its confinement shall immediately notify the Department of Public Health, the Police Department and the Animal Control Officer of such escape. (Added by Ord. 81-78, App. 2/10/78)

SEC. 63. IMPOUNDMENT. Any wild and potentially dangerous animal as defined in Section 51 of this Chapter which is found running loose in the City and County of San Francisco shall be impounded by the Animal Control Officer. (Added by Ord. 81-78, App. 2/10/78)

SEC. 64. NOTICE OF REMOVAL. Whenever an Animal Control Officer causes the removal of such wild and potentially dangerous animal as herein authorized. and the Officer knows, or is able to ascertain, the name and address of the owner thereof. such Officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal. the grounds thereof. the place to which such animal has been removed. and of the procedures for recovery of impounded animals. (Added by Ord. 81-78, App. 2/10/78)

SEC. 65. DISPOSITION OF WILD AND POTENTIALLY DANGEROUS ANIMALS. Reclamation by an owner who holds a currently valid permit of any impounded wild and potentially dangerous animal will be permitted upon the showing of said permit for said animal. upon receipt of permission for said reclamation from the Director, and upon the payment to the Animal Control Officer of the actual costs for the capture, impoundment and care of such animal. Any person owning a wild and potentially dangerous animal but not possessing a currently valid permit, may reclaim such animal only when said owner can assure the Director that the animal will be forthwith removed from the City and County of San Francisco, and after payment of the fees stated above to the Animal Control Officer. Any animal which has been impounded or taken into custody which is not reclaimed by the owner pursuant to this Section within fourteen (14) days after notice to reclaim has been given shall be deemed to be abandoned. and may be sold. destroyed or otherwise disposed of by the Animal Control Officer. provided. however, that if said animal is dangerous to retain or is suffering excessively. it may forthwith be humanely destroyed by the Animal Control Officer. (Added by Ord. 81-78. App. 2/10/78)

SEC. 66. PENALTY. Any person who has. keeps. maintains or has in his possession or under his control a wild and potentially dangerous animal in violation of any of the provisions of Sections 50 through 66 of this Chapter shall be guilty of a misdemeanor and shall be subject to imprisonment in the County Jail for not more than six (6) months or a fine not to exceed five hundred dollars (\$500) or both. (Added by Ord. 81-78. App. 2J10/78)