

File No. 100712

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Sub - Committee: Budget and Finance

Date: June 16, 2010

Board of Supervisors Meeting

Date: _____

Cmte Board

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Completed by: Andrea S. Ausberry

Date Friday, June 11, 2010

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Increasing Animal Care and Control Fees]

2
3 **Ordinance amending the San Francisco Health Code by amending Sections 41.9, 41.10,**
4 **41.15, 41.16, 41.17, and 41.22 to increase fees and set new fees for the Department of**
5 **Animal Care and Control and to update language to reflect current practices, amending**
6 **Section 41.25 to authorize administrative citations for violation of specified Health**
7 **Code sections, amending Section 41.26 to update language regarding fee changes in**
8 **subsequent fiscal years, and making environmental findings.**

9 NOTE: Additions are single-underline italics Times New Roman;
10 deletions are ~~strike-through italics Times New Roman~~.
11 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough-normal~~.

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

13 Section 1. Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. 100712 and is
17 incorporated herein by reference.

18
19 Section 2. The San Francisco Health Code is hereby amended by amending Section
20 41.9, to read as follows:

21 SEC. 41.9. - DISPOSITION OF ANIMALS.

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

1 holding period specified in Section 41.7 hereof or set under applicable state law, may be destroyed
2 or otherwise disposed of by the Animal Control Officer. Any animal sold by ~~t~~The Animal Control
3 Officer shall ~~be sold upon the~~ collection of no less than the following a \$15.00 fees for each animal
4 adopted, plus any other applicable charges under this Article.:

5 (1) ~~For each dog, the sum of \$10, plus, if applicable, the dog license fee provided for in Section~~
6 ~~41.15 of Article 1 of the San Francisco Health Code~~

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

8 (3) ~~For each hoofed animal, the sum of \$25~~

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

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

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

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

21 (d) Any animal impounded or otherwise taken into custody by the Animal Control
22 Officer, which, as determined by a licensed veterinarian, is suffering excessively, or is
23 dangerous to keep impounded, shall be forthwith destroyed by the Animal Control Officer.

1 Section 3. The San Francisco Health Code is hereby amended by amending Section
2 41.10, to read as follows:

3 SEC. 41.10. - CHARGES AND FEES.

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

6 (a) Redemption fees: \$30.00.

7 ~~For each dog, the sum of \$25.00~~

8 ~~For each cat, the sum of \$25.00~~

9 ~~For each hoofed animal, the sum of \$25.00~~

10 ~~For each rabbit, bird or other animal, the sum of \$25.00~~

11 (b) Voluntary lifetime cat registration fee: For each cat, the sum of \$10.00.

12 (c) Spay/neuter deposit fee for dogs and cats: \$50.00.

13 ~~For each dog, the sum of \$50.00~~

14 ~~For each cat, the sum of \$50.00~~

15 (d) For feeding and providing ordinary care for animals, ~~the following sums, \$25.00 per~~
16 day, except for each rabbit, bird or other small animal, the sum shall be \$10.00 per day.

17 ~~For each dog, the sum of \$10.00~~

18 ~~For each cat, the sum of \$10.00~~

19 ~~For each hoofed animal, the sum of \$10.00~~

20 ~~For each rabbit, bird or other animal, the sum of \$10.00~~

21 (e) For owner-requested euthanasia of an adult dog or cat, the sum of \$25.00 each animal.

22 For all other animals, a sum determined by the Animal Control Officer based on the size or number of
23 animals and the actual cost of the service, not to exceed \$25.00 each animal.

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

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

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

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

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

15 (1) For a second impoundment two times the fee set forth in Subsection (a) above;

16 (2) For any third or additional impoundment, three times the fee set forth in Subsection
17 (a) above.

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

21 (l) For extraordinary care or expense provided for an animal, an additional fee
22 consisting of the actual expense incurred shall also be charged.

1 Section 4. The San Francisco Health Code is hereby amended by amending Section
2 41.15, to read as follows:

3 SEC. 41.15. - DOGS: DOG LICENSE FEE LICENSING REQUIREMENT; FEES;
4 TERM OF LICENSE.

5 It shall be unlawful for any person to own, keep or have control of any dog without
6 having obtained a current San Francisco license for *such the* dog, which license shall be
7 renewed no later than 30 days after the date of expiration, as herein provided.

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

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

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

21 (1) ~~\$2450~~ for a one-year license

22 (2) ~~\$4595~~ for a two-year license;

23 (3) ~~\$66140~~ for a three-year license, issued only upon proof that *such the* dog is 12
24 months of age or older.

1 Notwithstanding San Francisco Administrative Code section ~~10.100-23~~~~10.117-87(e)~~, *said*
2 license fees shall be used to defray the costs associated with issuance of *said* licenses,
3 including personnel costs. ~~Any change recommended by the Director of the Department of Animal~~
4 ~~Care and Control as to the amount of the fees charged for each license shall be submitted to the Board~~
5 ~~of Supervisors for approval prior to the imposition of said fee. Fees for partial term licenses for less~~
6 ~~than a 12-month period will be prorated on a monthly basis.~~ A schedule of *said* license fees shall
7 be posted conspicuously on the premises of the Department of Animal Care and Control, in
8 the office of the Tax Collector, and at any other authorized licensing entity charged with the
9 collection of *said license* fees.

10
11 Section 5. The San Francisco Health Code is hereby amended by amending Section
12 41.16, to read as follows:

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

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

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

18 (A) ~~\$1220~~ for a one-year license;

19 (B) ~~\$2130~~ for a two-year license;

20 (C) ~~\$3040~~ for a three-year license.

21 (2) If the owner or guardian of a dog is 65 years of age or older, the license fee shall
22 ~~not exceed~~ be 50 percent of the applicable fee set forth in Section 41.15(c) or 50 percent of the
23 applicable fee set forth in subsection (1) above.

1 Section 6. The San Francisco Health Code is hereby amended by amending Section
2 41.17, to read as follows:

3 SEC. 41.17. - FEES—LATE PAYMENT PENALTY.

4 (a) A late charge of ~~\$1025~~ shall be assessed for failure to obtain a current San
5 Francisco dog license or to renew any expired license within any of the time limitations set
6 forth in Section 41.15 of this Article. Any ~~such~~ late charge shall be in addition to the applicable
7 license fee and shall be payable at the time of issuance.

8
9 Section 7. The San Francisco Health Code is hereby amended by amending Section
10 41.22, to read as follows:

11 SEC. 41.22. - DUPLICATE LICENSE OR REGISTRATION TAG ISSUED.

12 (a) If any license or registration tag ~~shall be~~ is lost or stolen, damaged or illegible, the
13 person owning, possessing, or having control of the dog or cat for which the ~~same tag~~ was
14 issued shall be entitled to receive a duplicate ~~of such~~ tag by presenting to the Tax Collector or
15 the Department of Animal Care and Control the damaged tag, ~~or~~ the original certificate
16 showing ownership of ~~said the tag~~, or ~~subscribing to~~ an affidavit sufficiently showing that ~~such the~~
17 tag was lost or stolen. Upon payment by the owner of a replacement fee of \$5, the Tax
18 Collector or the Department of Animal Care and Control shall issue a properly numbered
19 duplicate tag, and shall keep on file ~~in his office~~ the original affidavit, if any, upon which the
20 duplicate tag was issued.

21 (b) If any license or registration tag is not received due to the United States Mail within
22 30 days after payment of fees, the person owning, possessing, or having control of the dog or
23 cat for which the ~~said~~ tag was issued shall be entitled to receive a duplicate ~~of said~~ tag by
24 presenting to the Tax Collector or the Department of Animal Care and Control ~~the damaged tag,~~
25 ~~or the original certificate showing ownership of said tag or subscribing to an affidavit sufficiently~~

1 showing that ~~said~~ the tag was not received due to the United States Mail within 30 days. The
2 Tax Collector or the Department of Animal Care and Control, without additional fee, shall
3 issue a properly numbered tag, and shall keep on file ~~in his office~~ all original affidavits upon
4 which duplicate tags were issued.

5
6 Section 8. The San Francisco Health Code is hereby amended by amending Section
7 41.25, to read as follows:

8 SEC. 41.25. – PENALTIES; ADMINISTRATIVE CITATIONS.

9 (a) A violation of the provisions of Section 41.21 of this Article shall be a misdemeanor,
10 and punishable by a fine of not more than \$500.

11 (b) A violation of the provisions of Section 41.15 or 41.19 of this Article shall be an
12 infraction and punishable by a fine of \$100.

13 (c) Administrative Citation. Violations of Sections 41.15, 41.19, and 41.21 of this Article may
14 be punishable by administrative citation. Except as to the amounts of the citation penalties, Chapter
15 100 of the San Francisco Administrative Code is incorporated herein by reference. The City employees
16 identified in Section 41.24 may issue administrative citations. The fine for violation of Sections 41.15
17 and 41.19 of this Article shall be \$75. In addition, for violation of Section 41.15 and 41.19, the Animal
18 Control Office shall assess a late charge under Section 41.17. The fine for violation of Section 41.21 of
19 this Article shall be \$100.

20
21 Section 9. The San Francisco Health Code is hereby amended by amending Section
22 41.26, to read as follows:

23 SEC. 41.26. - ANNUAL ADJUSTMENT OF FEES.

24 Beginning with fiscal year ~~2003-2004~~ 2010-2011, fees set in Sections 41.9, 41.10, 41.15,
25 41.16, 41.17, and 41.22 may be adjusted each year, without further action by the Board of

1 Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the
2 Controller.

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

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

11
12 Section 10. This ordinance shall become operative on its effective date or on July 1,
13 2010, whichever is later.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: 
18 KATHARINE HOBIN PORTER,
19 Deputy City Attorney
20
21
22
23
24
25

LEGISLATIVE DIGEST

[Increasing Animal Care and Control Fees]

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

Existing Law

Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22 of the San Francisco Health Code establish procedures and fees for various services by the Department of Animal Care and Control (ACC), and set certain requirements regarding animals in the City and County of San Francisco. Section 41.25 specifies the penalties for violations of Sections 41.15, 41.19 and 41.21. Section 41.26 allows for annual adjustment of fees without further action by the Board of Supervisors.

Amendments to Current Law

The proposed ordinance amends Sections 41.9, 41.10, 41.15, 41.16, and 41.17 of the San Francisco Health Code to increase fees for certain services provided by ACC. The ordinance also expressly identifies certain services offered by ACC and specifies the fees for those services. The proposed ordinance also updates language in Sections 41.9, 41.10, 41.15, 41.16, 41.17 and 41.22 to reflect current practices at ACC. The proposed ordinance amends Section 41.25 to permit administrative citations for violations of Sections 41.15, 41.19 and 41.21, and sets the citation amount: \$75 for violation of Sections 41.15 and 41.19, plus the late fee due under Section 41.17; and \$100 for violation of Section 41.21. Finally, the proposed ordinance amends Section 41.26 to reflect the current fiscal year as the baseline for annual adjustment of fees without further action by the Board of Supervisors.

Background Information

The current fees set in Sections 41.9, 41.10, 41.15, 41.16, and 41.17 do not cover the costs to the Department of Animal Care and Control of providing the services. The proposed fee increase will cover those costs.



TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *FX* Mayor Gavin Newsom *ST*
RE: Increasing Animal Care and Control Fees
DATE: June 1, 2010

Dear Madame Clerk:

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

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Starr Terrell (415) 554-5262.

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