

1 [Amending Health Code Section 42.3 to authorize hearing officer to prohibit owner of a dog
2 declared vicious and dangerous from owing dogs for three years.]

3 **Ordinance amending San Francisco Health Code Section 42.3, to add the authority of a**
4 **hearing officer to prohibit the owner of a vicious dog from owning dogs for a period of**
5 **three years.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strikethrough italics Times New Roman*~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Heath Code is hereby amended by amending Section
12 42.3, to read as follows:

13 Sec. SEC. 42.3. SEIZURE OF DOG: HEARINGS.

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

24 (b) Immediate Seizure.

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

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

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

3 (ii) Should the hearing officer find the dog to be vicious and dangerous, the
4 hearing officer shall order the dog be registered pursuant to Section 42.2, and that the dog be
5 spayed or neutered. The hearing officer may, in addition, order other remedies as may be
6 appropriate for the safety of the public, including, but no limited to, an order that the dog and the
7 owner, guardian, keeper and any person in control of the dog attend and complete a basic
8 obedience course under an approved and recognized obedience trainer or dog-training
9 organization. If the hearing officer finds that the owner, guardian, keeper, or other person in control
10 of the dog has not or cannot adequately control his or her dogs, the hearing officer may also prohibit
11 that person or persons from owning or possessing dogs for a period of three years from the date of the
12 order.

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

17 (iv) The decision of the hearing officer is final.

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

20 By: _____
21 Margaret W. Baumgartner
22 Deputy City Attorney