

LEGISLATIVE DIGEST

(Amendment of the whole, dated 1/10/2012)

[Health Code - Regulating Commercial Dog Walkers on Park Property]

Ordinance amending the San Francisco Health Code by adding Article 39, Sections 39.01 through 39.13, to license and regulate Commercial Dog Walkers operating on park property.

Existing Law

The City currently does not regulate dog walking businesses, except that such businesses are subject to the City's general business registration and business tax laws.

Amendments to Current Law

The proposal is an ordinance that would amend the City's Health Code to license and regulate commercial dog walking businesses under the Animal Care and Control Department.

The ordinance would apply to "Commercial Dog Walkers", defined as persons walking four or more dogs at one time, for some sort of payment, in a City park, or on specified Port or PUC property.

Permit Requirement

The ordinance would require Commercial Dog Walkers to get a permit from the Animal Care and Control Department. Anyone applying for permit would have to have a City business registration certificate for the business, and proof of insurance.

The permit applicant would have to complete one of two training requirements:

- An approved training course including at least 20 hours of classroom and hands-on training on topics such as canine behavior, dog park etiquette, canine first aid, and local laws and regulations; or,
- A 40-hour apprenticeship with another licensed Commercial Dog Walker who has operated a dog walking business with a City business registration certificate for at least three years.

The ordinance would waive the training requirement for anyone who, on the operative date of the ordinance, had held for the past three years a City business registration certificate for a dog walking business, or who had worked as a dog walker for such a business for at least the past three years. (With the approval of the Director of Animal Care and Control, the person offering an apprenticeship program or seeking an exemption from the training requirement himself or herself could substitute a business certificate or license for a dog walking business from another jurisdiction.)

The Director of Animal Care and Control could charge applicants a permit application fee not to exceed \$250. A Commercial Dog Walker would also have to pay an annual license fee, not to exceed \$100.

Rules for Commercial Dog Walking

The ordinance would set rules of conduct for Commercial Dog Walkers, such as:

- A permittee could not walk more than 8 dogs at one time;
- A permittee would have to a leash for each dog, and follow all applicable on-leash rules;
- A permittee would have to clean up after any dogs he or she was walking;
- Once a year, a permittee would have to distribute to all of his or her current clients informational materials to be prepared by the Department of Animal Care and Control regarding who clients may license their dogs and the importance of doing so, and request clients to supply the license numbers, if any, for their dogs;
- A permittee would have to carry his or her permit upon his person while walking dogs and produce the permit for inspection upon request by any enforcement officer;
- A permittee would have to either carry dog walking safety equipment, such as canine first aid supplies, or have such equipment available at a nearby location; and,
- A permittee would have to either carry sufficient drinking water for the dogs, or have drinking water available at a nearby location;

Implementation and Enforcement

The City would begin enforcing the ordinance January 1, 2013. Prior to that date, the Director of Animal Care and Control would conduct a public outreach and education campaign to alert dog walkers and the public about the requirements of the new law. The Director could further postpone the operative date of the Article, but not beyond July 1, 2013, if additional time is needed to successfully implement the Article.

After January 1, 2013, the Director could suspend or revoke a Commercial Dog Walker's permit, after a noticed public hearing, for misconduct such as breaking state or local law regulating the treatment of animals, or serious physical mistreatment of any animals under the permittee's control.

A person violating the ordinance could face criminal charges, or administrative fines imposed by the Director ranging from up to \$50 for the first violation to up to \$500 for a third or subsequent violation within a twelve-month period.

Animal Care and Control would maintain on its website a list of all persons who had violated the ordinance three or more times during the last 12 months.

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The legislation on file, as amended in committee on January 9, 2012, includes a provision (proposed Section 39.07(b)) providing that, once a year, the permittee would distribute to all his or her current clients informational materials on licensing their dogs.

The amendment of the whole, dated January 10, 2012, would add a provision (at page 7, lines 7-10, of the text) directing permittees also to ask their clients for the license numbers for any of their dogs that have been licensed, and directing the permittees to keep records of those numbers.