

1 [Health Code - Commercial Dog Walking Regulations]

2  
3 **Ordinance amending the Health Code to correct numbering and clarify provisions of**  
4 **the Commercial Dog Walking Ordinance.**

5 NOTE: Additions are single-underline italics Times New Roman;  
6 deletions are ~~strike-through italics Times New Roman~~.  
7 Board amendment additions are double-underlined;  
8 Board amendment deletions are ~~strikethrough-normal~~.

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

10 Section 1. The San Francisco Health Code is hereby amended by amending  
11 Article 39, Sections 39.01 through 39.13, to read as follows:

12 **SEC. 3901 ~~39.01~~. DEFINITIONS.**

13 For the purpose of this Article 39, the following words and phrases shall mean and  
14 include:

15 (a) "City." The City and County of San Francisco.

16 (b) "Commercial Dog Walking" or "Commercial Dog Walking Business." Doing  
17 business as a permittee under this Article 39.

18 (c) "Department." The Animal Care and Control Department of the City and County of  
19 San Francisco.

20 (d) "Director." The Director of the Animal Care and Control Department, or his or her  
21 designee.

22 (e) "Enforcement Officer."

23 (1) An officer or employee of the Department designated by the Director to  
24 enforce this Article 39;

1 (2) an officer or employee of the Port of San Francisco, the Recreation and  
2 Park Department, or the Public Utilities Commission designated by the Port Director, the  
3 General Manager of the Recreation and Park Department, or the General Manager of the  
4 Public Utilities Commission, respectively, to enforce this Article 39 on property under the  
5 jurisdiction of the Port, Recreation and Park Commission, or the Public Utilities Commission,  
6 respectively; or

7 (3) any person who is a peace officer under California Penal Code Section 830.1(a).

8 An officer or employee of the Department designated by the Director to enforce this  
9 Article may refer possible violations occurring on Port, Recreation and Park, or Public Utilities  
10 property to designated enforcement officers from those departments, who shall have primary  
11 responsibility for enforcement of the Article on properties under their respective jurisdictions.

12 (f) "Park Property." All grounds, roadways, avenues, squares, recreation facilities, and  
13 other property placed under the control, management and direction of the Recreation and  
14 Park Commission by the Charter of the City and County of San Francisco, and the open  
15 space on the blocks bounded by Market, Folsom, Third and Fourth Streets which is under the  
16 control, management and direction of the Successor Agency to the Redevelopment Agency of  
17 the City and County of San Francisco, otherwise known as the "Yerba Buena Gardens."

18 "Park Property" shall also include property under the jurisdiction of the Port of San  
19 Francisco that the Port Commission has designated for inclusion under this Article 39, and  
20 property under the jurisdiction of the Public Utilities Commission that the General Manager of  
21 the Public Utilities Commission has designated for inclusion under this Article 39.

22 (g) "Tax Collector." The Tax Collector of the City and County of San Francisco.

24 / / /

25 / / /

1   **SEC. ~~3902~~ 39.02. PERMIT REQUIRED.**

2           It shall be unlawful for any person to walk four or more dogs at any one time for  
3   consideration on Park Property without first having obtained a permit under this Article from  
4   the Director of the Animal Care and Control Department.

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6   **SEC. ~~3903~~ 39.03. APPLICATIONS FOR PERMIT.**

7           (a) Every person desiring a permit under this Article 39 shall file an application with the  
8   Director upon a form provided by the Department and pay a non-refundable permit fee.

9           (b) An application for a permit shall specify:

10               (1) The name and proposed business address of the applicant;

11               (2) Whether or not the applicant has ever been convicted of any crime involving  
12   the mistreatment of animals and if so convicted, the place and court in which the conviction  
13   was had, the specific charge under which the conviction was obtained, and the sentence  
14   imposed as the result of said conviction;

15               (3) Such information pertinent to the operation of the proposed business as the  
16   Director may require of an applicant in addition to the other requirements of this Section;

17               (4) The address to which notice, when required, is to be sent or mailed, and the  
18   name and address of a person authorized to accept service of process, if not otherwise set  
19   forth in the permit application herein; and,

20               (5) Whether the application is for a new permit or for the renewal of an existing  
21   permit.

22           (c) The application shall also include:

23               (1) A copy of a current valid City business registration certificate under  
24   Business and Tax Regulations Code Section 853 for the proposed Commercial Dog Walking  
25   business in the name of the proposed permittee or the permittee's proposed employer;

1 (2) Proof of completion of the training required under Section 3906 ~~39.06~~; and,  
2 (3) Proof of \$1 million in general liability insurance, which the permittee must  
3 maintain for the full term of the permit.

4 (d) Every application for a permit under this Article shall be verified as provided in the  
5 California Code of Civil Procedure for the verification of pleadings.  
6

7 **SEC. 3904 ~~39.04~~. PERMIT FEE.**

8 (a) The Director shall set the amount of the permit fee required under Section 3903(a)  
9 ~~39.03(a)~~ by regulation adopted under Section 3909 ~~39.09~~.

10 (b) The Director shall base the amount of the fee upon the actual costs to the  
11 Department of processing the application and of administering and enforcing this Article 39,  
12 but shall not set the amount at greater than two hundred and fifty dollars (\$250).

13 (c) Beginning with Fiscal Year 2016-2017, and every fifth year after that, the Controller  
14 shall adjust the cap on the permit fee set in subsection (b) without further action by the Board  
15 of Supervisors, to reflect intervening changes in the relevant Consumer Price Index, as  
16 determined by the Controller. No later than May 15th of each such year, the Controller shall  
17 file a report with the Board of Supervisors reporting the new fee cap and certifying that the  
18 amount of the cap does not exceed the costs of providing the services for which the fee is  
19 assessed.  
20

21 **SEC. 3905 ~~39.05~~. ISSUANCE OF PERMIT.**

22 (a) The Director may issue a permit within 21 days following the filing of a complete  
23 application as provided in Section 3903 ~~39.03~~ if he or she finds, based upon the contents of the  
24 application and his or her own investigation:  
25

1 (1) That the operation, as proposed by the applicant, if permitted, would comply  
2 with all applicable laws, including but not limited to, the City's Municipal Code.

3 (2) That the applicant and any other person who will be directly engaged in the  
4 management and operation of a Commercial Dog Walking business has not been convicted in  
5 a court of competent jurisdiction, by final judgment of:

6 (A) An offense involving the mistreatment of animals that amounts to a  
7 felony, or if committed outside ~~without~~ the State of California would amount to a felony if  
8 committed within the State of California, provided that the conviction occurred within the past  
9 ten years;

10 (B) An offense involving the mistreatment of animals that amounts to a  
11 misdemeanor or infraction, or if committed outside of the State of California would amount to a  
12 misdemeanor or infraction if committed within the State of California, provided that such  
13 person committed three separate offenses within the past five years.

14 (3) That the applicant has not knowingly made any false, misleading, or  
15 fraudulent statement of facts in the permit application or any other document required by the  
16 Director in connection with the application.

17 (b) Only one Commercial Dog Walking permit shall be issued to any one ~~anyone~~ person.

18 (c) No Commercial Dog Walking permit shall be assignable or otherwise transferable.

19 (d) The permit shall be delivered to the applicant by the Tax Collector upon the  
20 payment to the Tax Collector of the license fee required under Section 3910 ~~39.10~~.

21  
22 **SEC. 3906 ~~39.06~~. TRAINING.**

23 (a) All applicants for a new permit must first satisfy one of the following two training  
24 requirements:

1 (1) The applicant shall complete ~~a an approved~~ training course approved by the  
2 Director consisting of at least 20 hours of classroom and hands-on training. The training course  
3 must cover each of ~~in~~ the following subject areas: canine behavior, pack management, dog park  
4 etiquette, safety and fight protocols, local laws and regulations, canine first aid, and any other  
5 subject or subjects that the Director may determine is or are relevant to the health and safety  
6 of animals and the public in the conduct of a Commercial Dog Walking business; or,

7 (2) The applicant shall complete an ~~approved~~ apprenticeship program approved  
8 by the Director consisting of at least 40 hours of practical experience working ~~with~~ under the  
9 direct supervision of another dog walker who (A) is doing business as a permittee under this  
10 Article 39, and (B) has operated a dog walking business, with a valid City business  
11 registration certificate under Business and Tax Regulations Code Section 853 (or equivalent  
12 license or certification from another jurisdiction, as accepted by the Director), for at least three  
13 years. The person or organization providing the apprenticeship program may, but is not  
14 required to, charge the applicant for the program. The apprenticeship program shall cover  
15 each of the subject areas identified for training in subsection (a)(1), and the person or  
16 organization providing the apprenticeship program shall provide the participant who  
17 successfully completes the program with written certification stating that those subjects have  
18 been covered as part of the apprenticeship. The permit applicant shall provide the Director with  
19 a copy of such certification along with his or her permit application.

20 (b) ~~Within 120 days of the effective date of this ordinance, the~~ The Director shall adopt  
21 regulations setting forth the required content of a course under subsection (a)(1) or the criteria  
22 for an approved apprenticeship program under subsection (a)(2). After adoption of such  
23 regulations, the Director shall approve or disapprove, within 30 days of submission, any  
24 entity's proposal to offer the required Commercial Dog Walking training under  
25 subsection (a)(1) or (2).

1 (c) Notwithstanding the provisions of subsection (a), any person who, on March 1,  
2 2013 ~~September 1, 2012~~, has held for at least the past three consecutive years a valid City  
3 business registration certificate under Business and Tax Regulations Code Section 853 for a  
4 dog walking business (or equivalent license or certification from another jurisdiction, as  
5 accepted by the Director), or any person who as of that date has worked as a dog walker for  
6 such a business for at least the past three consecutive years, shall be deemed to have  
7 satisfied the training requirement of this Section. The Director may by regulation adopted  
8 under Section 3909 ~~39.09~~ determine which other equivalent occupational experience, if any,  
9 provides similar training and may be substituted for dog walking under this subsection (c).

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11 **SEC. 3907 ~~39.07~~. RULES FOR COMMERCIAL DOG WALKING.**

12 The following restrictions shall apply to a permittee while walking four or more dogs at  
13 any one time for consideration on Park Property:

14 (a) The permittee may not walk at one time more than 8 dogs.

15 (b) Once a year, the permittee must distribute to all his or her current clients written  
16 informational materials to be prepared by the Department regarding how the clients may  
17 license their dogs under Health Code Section 41.15 and the importance of doing so. The  
18 permittee may distribute the informational materials in printed form, or by facsimile, email or other  
19 electronic transmission. The Department shall maintain a current copy of the materials on its website.

20 At the same time the permittee distributes the informational materials on licensing, the  
21 permittee must ask all of her or his clients for the license numbers for any of their dogs that  
22 have been licensed under Health Code Section 41.15, and the permittee shall keep a record  
23 of those numbers, provided, however, that the permittee shall not be liable or penalized for failing to  
24 record any license number if the client refuses to provide such information to the permittee or if the  
25 client has not licensed his or her dogs.

1 (c) The permittee must carry a leash not more than 8 feet in length for each dog, and  
2 follow all applicable on-leash rules.

3 (d) The permittee must clean up after any dogs he or she is walking and properly  
4 dispose of any canine waste, as required by Health Code Section 40 and all applicable  
5 Recreation and Park Department rules and regulations.

6 (e) The permittee must have appropriate dog walking safety equipment, either upon his  
7 or her person or at a nearby location, including in a vehicle, that is readily accessible. The  
8 Director shall adopt regulations addressing what constitutes appropriate dog walking safety  
9 equipment.

10 (f) The permittee must have sufficient drinking water as is necessary for the proper health  
11 and well-being of ~~for~~ the dogs. The permittee must have the drinking water either upon his or her  
12 person or at a nearby location, including in a vehicle, that is readily accessible.

13 (g) If the permittee transports dogs to or from Park Property, the permittee must do so  
14 in a safe and appropriate manner, including properly restraining the dogs while in open and  
15 moving vehicles in accordance with California Vehicle Code Section 23117. The Director shall  
16 adopt regulations addressing what constitutes safe and appropriate transportation of dogs.

17  
18 **SEC. 3908 ~~39.08~~. ADMINISTRATIVE INSPECTIONS.**

19 (a) Every permittee shall, while walking four or more dogs at any one time for  
20 consideration on Park Property, carry his or her permit upon his or her person and produce  
21 the permit for inspection upon request by any Enforcement Officer ~~enforcement officer~~.

22 (b) If an Enforcement Officer ~~enforcement officer~~ has an objectively reasonable basis for  
23 suspecting that a permittee is transporting dogs by car in connection with a Commercial Dog  
24 Walking business in an unsafe or inappropriate manner, the Enforcement Officer ~~enforcement~~  
25



1 ~~officer~~ may request the permittee to allow the officer to inspect the permittee's vehicle and the  
2 permittee shall comply with the Officer's ~~officer's~~ request.

3 (c) If an Enforcement Officer ~~enforcement officer~~ has an objectively reasonable basis for  
4 suspecting that a permittee does not have ready access to dog walking ~~dogwalking~~ safety  
5 equipment while walking four or more dogs at any one time for consideration on Park  
6 Property, the Enforcement Officer ~~enforcement officer~~ may request the permittee to produce the  
7 equipment for inspection and the permittee shall comply with the Officer's ~~officer's~~ request.

8  
9 **SEC. 3909 ~~39.09~~. DIRECTOR'S REGULATIONS.**

10 The Director may, after a noticed public hearing, adopt administrative regulations  
11 supplemental to this Article 39 and not in conflict therewith. Except in cases of emergency,  
12 the regulations shall become effective no sooner than 10 days after adoption by the Director.

13  
14 **SEC. 3910 ~~39.10~~. LICENSE FEES.**

15 (a) Every person who has received a permit to operate a Commercial Dog Walking  
16 Business shall, on March 31 of each year, pay to the Tax Collector an annual license fee  
17 payable in advance. The license fee for new licenses issued during the calendar year shall be  
18 prorated with regard to the calendar year on a monthly basis.

19 (b) The Tax Collector shall issue the license upon payment of the license fee required  
20 under subsection (a) and submission by the permittee of a verified statement, in a form  
21 provided by the Department, that the permittee is in compliance with all provisions of this  
22 Article 39 and any administrative regulations adopted under this Article.

23 (c) The Director shall set the amount of the annual license fee by regulation adopted  
24 under Section 3909 ~~39.09~~. The Director shall base the amount of the fee upon the actual costs

1 to the Department of administering and enforcing this Article 39, but shall not set the amount  
2 at greater than one hundred dollars (\$100).

3 (d) Beginning with Fiscal Year 2016-2017, and every fifth year after that, the Controller  
4 shall adjust the cap on the license fee set in subsection (c) without further action by the Board  
5 of Supervisors, to reflect intervening changes in the relevant Consumer Price Index, as  
6 determined by the Controller. No later than May 15th of each such year, the Controller shall  
7 file a report with the Board of Supervisors reporting the new fee cap and certifying that the  
8 amount of the cap does not exceed the costs of providing the services for which the fee is  
9 assessed.

10  
11 **SEC. ~~3911~~ 39.H. SUSPENSION AND REVOCATION OF PERMIT.**

12 (a) The Director may suspend or revoke any permit issued under this Article 39 if he or  
13 she finds, after a noticed administrative ~~public~~ hearing, that any of the following conditions  
14 exist:

15 (1) Fraud, misrepresentation, or false statement contained in the application or  
16 permit, or any documents required in connection with them;

17 (2) Violation of provisions of this Article (other than Section ~~3907(b)~~ ~~39.07(b)~~),  
18 the San Francisco Municipal Code, or any regulations adopted by the Director under  
19 Section ~~3909~~ ~~39.09~~, or of any of the laws of the State of California regulating the treatment of  
20 animals;

21 (3) Serious physical mistreatment or neglect by the permittee of any animals  
22 under his or her control or custody, under circumstances that cause or are likely to cause death or  
23 serious physical harm or illness to the animals, whether the permittee's act or omission is intentional  
24 and malicious, or shows reckless indifference to the foreseeable consequences of that conduct; or,  
25

1 (4) For any other good cause shown, including non-compliance with permit  
2 conditions or violation of applicable rules and regulations governing the permittee's use of Park  
3 Property in connection with the operation of a Commercial Dog Walking Business.

4 (b) On revocation of the permit no part of the annual license fee shall be returned and  
5 the said license fee shall be forfeited to the City.

6  
7 **SEC. ~~3912~~ 39.12. ENFORCEMENT AND PENALTIES.**

8 (a) Any person who violates any provision of this Article 39 (other than  
9 Section ~~3907(b)~~ 39.07(b)) or of an administrative regulation adopted under this Article shall be  
10 deemed guilty of an infraction and upon conviction thereof such person shall be punished by a  
11 fine not to exceed one hundred dollars (\$100) for a first violation, and not to exceed two  
12 hundred dollars (\$200) for a second violation of the same provision or regulation within a  
13 twelve-month period. Upon the third or subsequent conviction within a twelve-month period,  
14 such person shall be deemed guilty of a misdemeanor and shall be punished by a fine not to  
15 exceed \$1,000 or by imprisonment in the County Jail for a period not to exceed one year or by  
16 both such fine and imprisonment.

17 (b) Any person who violates any provision of this Article 39 (other than  
18 Section ~~3907(b)~~ 39.07(b)) or of an administrative regulation adopted under this Article may be  
19 punished by administrative fines imposed by the Director in the amount of:

- 20 (1) Up to \$50 for the first violation;  
21 (2) Up to \$100 for a second violation within a twelve-month period; and,  
22 (3) Up to \$500 for a third and subsequent violations within a twelve-month  
23 period.

24 (c) Except as provided in subsection (b), setting forth the amount of administrative  
25 fines, Administrative Code Chapter 100, "Procedures Governing the Imposition of

1 Administrative Fines," as may be amended from time to time, is hereby incorporated in its  
2 entirety and shall govern the imposition, enforcement, collection, and review of administrative  
3 citations issued by the Director to enforce this Article or any administrative regulation adopted  
4 under this Article.

5 (d) The Department shall maintain on its website a list of all persons who have violated  
6 any provision of this Article or of any regulation adopted under this Article three or more times  
7 in the past 12 months.

8  
9 **SEC. 3913 ~~39.13~~. OPERATIVE DATE; PUBLIC EDUCATION.**

10 The provisions of this Article 39 shall become operative and enforceable on January 1,  
11 2013. The Director may postpone the operative date, not beyond July 1, 2013, by posting a  
12 notice on the Department's website, if the Director determines that the City needs additional  
13 time to successfully implement the provisions of this Article. During the period between the  
14 effective date of the ordinance adopting these provisions and the operative date, the Director  
15 and the Department shall conduct a public outreach and education campaign to alert dog  
16 walkers and the public about the requirements of this Article.

17  
18 Section 2. Effective Date. This ordinance shall become effective 30 days from the  
19 date of passage.

20  
21 Section 3. Scope of Ordinance. In enacting this Ordinance, the Board intends to  
22 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
23 punctuation marks, charts, diagrams, or any other constituent part of the Health Code that are  
24 explicitly shown in this Ordinance as additions, deletions, Board amendment additions, and  
25

1 Board amendment deletions in accordance with the "Note" that appears under the official title  
2 of the Ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6  
7 By:

  
8 THOMAS J. OWEN  
9 Deputy City Attorney

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 130146

**Date Passed:** March 19, 2013

Ordinance amending the Health Code to correct numbering and clarify provisions of the Commercial Dog Walking Ordinance.

March 11, 2013 Land Use and Economic Development Committee - AMENDED

March 11, 2013 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

March 12, 2013 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

March 19, 2013 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Tang and Wiener  
Excused: 2 - Farrell and Yee

File No. 130146

**I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
3/19/2013 by the Board of Supervisors of the  
City and County of San Francisco.**

Angela Calvillo  
Clerk of the Board

  
Mayor

3/22/13

Date Approved