

FILE NO. 041494

ORDINANCE NO. 13-05

1 [Insuring the humane treatment of all companion dogs including sentry and guard dogs by
2 instituting shelter, water, feeding and confinement standards.]

3 **Ordinance amending the San Francisco Health Code by amending sections 41.12 and**
4 **41.13 to insure the humane treatment of all companion dogs including sentry and**
5 **guard dogs throughout the City and County of San Francisco by instituting shelter,**
6 **water, feeding and confinement standards.**

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
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 Health Code is hereby amended by amending Sections
12 41.12 and 41.13 to read as follows:

13 Sec. 41.12. DUTIES OF OWNERS OR GUARDIANS.

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

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

22 (b) It shall be unlawful for the owner or guardian of any animal to permit said animal to
23 breed on public property; provided, however, that the provisions of this subsection shall not be
24 applicable to departments of the City and County, recognized educational institutions,
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1 licensed clinical laboratories, or medical research facilities which are in conformity with
2 Federal or State laws.

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

5 1. SHELTER REQUIREMENTS

6 No Person, except those persons who, due to financial hardship, are unable to provide
7 shelter for themselves, shall keep, use, or maintain a dog on any premises unless the dog is provided
8 full access to an enclosed building, dog house, or similar shelter at all times. The dog must have equal
9 space outside its shelter to move around and relieve itself away from its confinement. Said shelter
10 shall:

11 A) Have five sides, including a top, a bottom and three sides.

12 B) Have a floor raised off the ground, free of cracks, depressions and rough areas
13 where insects, rodents or eggs from internal parasites may lodge. An effective program for the control
14 of insects, ectoparasites, and other pests shall be established and maintained.

15 C) Be cleaned and maintained in a manner designed to insure the best possible sanitary
16 conditions. Excreta shall be removed from the shelter as often as necessary. Rugs, Blankets or other
17 bedding material shall be kept clean and dry.

18 D) Be of adequate size to allow the dog to stand up and turn about freely, stand easily,
19 sit and lie in a comfortable normal position.

20 E) Have a floor constructed so as to protect the dog's feet and legs from injury.

21 F) Allow dogs kept outdoors to remain dry during rain.

22 G) Have sufficient clean bedding material or other means of protection from the
23 weather elements provided when the ambient temperature falls below that temperature to which the
24 dog is acclimated.

1 H) Provide sufficient shade to allow the dogs kept outdoors to protect themselves from
2 the direct rays of the sun, when sunlight is likely to cause overheating or discomfort.

3 I) Be structurally sound and maintained in good repair to protect the dog from injury.

4 J) Be constructed and maintained so that the dog contained therein has convenient
5 access to clean food and water.

6 2. WATER REQUIREMENTS

7 No person shall keep, use or maintain any dog on any premises unless the dog has access to
8 clean and fresh water at all times. Clean potable water shall be available to the dog unless restricted
9 for veterinary care, and:

10 A) If the water is kept in a container, this container shall be designed sufficiently to
11 prevent tipping and spilling of the water contained therein. If necessary to accomplish this, the
12 container shall be secured to a solid structure or secured in the ground. Watering containers shall be
13 kept clean, kept out of sun, and must be emptied and refilled with fresh water at least once a day; or

14 B) If the water is provided by an automatic or demand device, the water supply
15 connected to the device must function 24 hours a day.

16 3. FEEDING REQUIREMENTS

17 No person shall keep, use or maintain any dog on any premises unless the dog is provided
18 sufficient food daily to maintain proper bodyweight and good health.

19 A) The dog shall be provided food, which shall be free from contamination, wholesome,
20 palatable, and sufficient quantity and nutritive value to meet the normal daily requirements for the
21 condition and size of the animal.

22 B) Food receptacles shall be accessible to the dog and shall be located so as to
23 minimize contamination by excreta and/or insects. Feeding pans shall be durable and kept clean.
24 Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be
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1 used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration
2 or caking of feed. Spoiled or contaminated food shall be disposed of in a sanitary manner.

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4 4. CONFINEMENT REQUIREMENTS

5 Though highly discouraged, tethering is only acceptable if:

6 A) The tether is attached to a stake in the ground with a pulley like system.

7 B) The tether is attached to the dog by a non-choke type collar or body harness at least
8 10 feet in length which would allow the dog access to food, water and shelter, but free of obstructions.

9 C) Any person violating the provisions of section 41.12(c) of this Article shall: (1)
10 upon the first offense in any 12-month period, be deemed guilty of an infraction and upon
11 conviction thereof shall be punished by a fine not to exceed \$50.00; (2) upon the second
12 offense in any 12-month period, be deemed to be guilty of an infraction and upon conviction
13 thereof shall be punished by a fine not to exceed \$100.00; (3) upon the third and any
14 additional offense in any 12-month period, be deemed to be guilty of a misdemeanor and upon
15 conviction thereof shall be punished by a fine of not more than \$1,000.00 or by imprisonment
16 in the County Jail for a period of no more than 1 year, or by both such fine and imprisonment.

17 5. ADEQUATE EXERCISE

18 All dogs must be provided with adequate exercise. "Adequate exercise" means the opportunity
19 for the animal to move sufficiently to maintain normal muscle tone and mass for the age, size and
20 condition of the animal.

21 6. PENALTIES

22 Any person violating the provisions of section 41.12(c) of this Article shall: (1) upon the
23 first offense in any 12-month period, be deemed guilty of an infraction and upon conviction
24 thereof shall be punished by a fine not to exceed \$50.00; (2) upon the second offense in any
25 12-month period, be deemed to be guilty of an infraction and upon conviction thereof shall be

1 punished by a fine not to exceed \$100.00; (3) upon the third and any additional offense in
2 any 12-month period, be deemed to be guilty of a misdemeanor and upon conviction thereof
3 shall be punished by a fine of not more than \$1,000.00 or by imprisonment in the County Jail
4 for a period of no more than 1 year, or by both such fine and imprisonment.

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

9 (e) Any two unrelated persons, living in different households within 300 feet of the
10 location of the disturbance who are disturbed by a "Barking Dog" as defined in Section 41(i) of
11 this Code may, after signing an affidavit setting forth the information in this subsection,
12 request a police officer to issue a citation to the owner or guardian of the dog causing the
13 disturbance for violation of Subsection (e) of this Section.

14 Sec. 41.13. PENALTIES.

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

20 Any person violating the provisions of Sections 40, 41.11(c) and 41.12(a) of this Article
21 shall be deemed to be guilty of an infraction and upon conviction thereof shall be punished for
22 the first offense by a fine not to exceed \$10; for the second offense by a fine not to exceed
23 \$25; for a third and each additional offense by a fine not to exceed \$50.

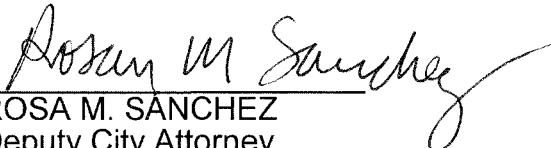
24 Any person violating the provision of Section 41.12(c) of this Article shall be subject to the
25 penalties provided in said section.

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

9 Any person violating the provisions of Section 41.5.1 of this Article shall be subject to
10 the penalties provided in said section.

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12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By:


15 ROSA M. SANCHEZ
16 Deputy City Attorney
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City and County of San Francisco

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

Tails Ordinance

File Number: 041494

Date Passed:

Ordinance amending the San Francisco Health Code by amending sections 41.12 and 41.13 to insure the humane treatment of all companion dogs including sentry and guard dogs throughout the City and County of San Francisco by instituting shelter, water, feeding and confinement standards.

January 4, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 8 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Sandoval

Noes: 2 - Alioto-Pier, Peskin

Excused: 1 - Daly

January 4, 2005 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 8 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Sandoval

Noes: 2 - Alioto-Pier, Peskin

Excused: 1 - Daly

January 11, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval


Noes: 2 - Alioto-Pier, Peskin

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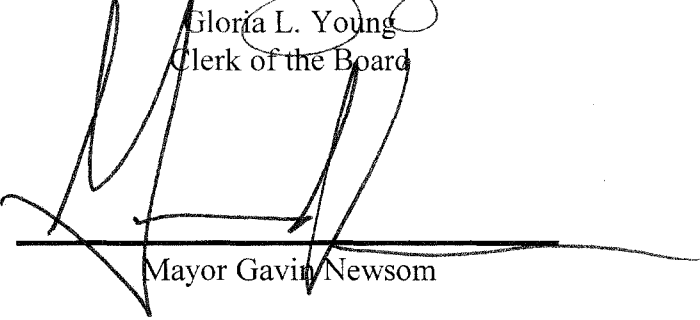
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 11, 2005
by the Board of Supervisors of the City and
County of San Francisco.

JAN 21 2005

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom