

1 [Health Code - Animal Care and Control Adoption Fee Waiver]

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3 **Ordinance amending the Health Code to authorize the Animal Control Officer to waive**
 4 **adoption fees and other applicable charges upon finding that such a waiver will**
 5 **maintain or increase the live release rate.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 9 **Board amendment additions** are in double-underlined Arial font.
 10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 11 **Asterisks (* * * *)** indicate the omission of unchanged Code
 12 subsections or parts of tables.

10

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

12 Section 1. The Health Code is hereby amended by revising Section 41, including by
 13 alphabetizing the definitions therein, to read as follows:

14 **SEC. 41. DEFINITIONS.**

15 As used in Sections 41.1 through 41.25, inclusive, of this Article, the following terms
 16 shall have the following meanings:

17 ~~(b)~~ “Animal” shall mean and include any bird, mammal, reptile, or other creature;
 18 except fish.

19 ~~(j)~~ “Animal Care and Control Department” shall mean the department under the City
 20 Administrator authorized to perform the functions described in Sections 41.4 and 41.5 of this
 21 Article and any other ordinance or law that delegates such authority to the Animal Care and
 22 Control Department or its Director.

23 ~~(k)~~ “Animal Control Officer” or “Animal Care and Control Officer” shall mean the
 24 Director of the Animal Care and Control Department.

25

1 ~~(a)~~ “At large” shall mean any dog off the premises of its owners or guardians and not
2 under restraint by a leash, rope or chain of not more than eight (8) feet in length, and any
3 other animal not under physical restraint.

4 ~~(b)~~ “Authorized Licensing Entity” shall mean an individual or entity that has entered into
5 an agreement with the Director of Animal Care and Control to accept applications and
6 payments for dog licenses, and issue such licenses to dog owners or guardians in accordance
7 with the requirements of Sections 41.15 through 41.20. Such individuals or entities may
8 include, but are not limited to, other departments of the City and County, licensed
9 veterinarians practicing in the City and County, retailers of pet supplies and providers of
10 animal care services engaged in business in the City and County, and nonprofit organizations
11 engaged in promoting animal welfare.

12 ~~(c)~~ “Barking Dog” is defined as a dog that barks, bays, cries, howls or makes any other
13 noise continuously and incessantly for a period of 10 minutes to the disturbance of any other
14 person.

15 ~~(d)~~ “City and County” shall mean the City and County of San Francisco.

16 ~~(e)~~ “Dog” shall include female as well as male dogs.

17 ~~(f)~~ “Guardian” shall mean owner ~~have the same rights and responsibilities of an owner~~, and
18 both terms shall be used interchangeably.

19 ~~(g)~~ “Health Officer” shall mean the Director of the Department of Public Health of the
20 City and County, or any employee of said Department or other person authorized by said
21 officer to act on his or her behalf.

22 ~~(h)~~ “Hoofed Animal” shall mean and include horse, mare, gelding, mule, burro, sheep,
23 cow, goat or any other animal with a hoofed foot.

24 ~~(i)~~ “Live release rate” shall mean the ratio of live animals impounded to live animals released per
25 year.

1 ~~(g)~~ “Owner” shall mean any person who possesses, has title to or an interest in,
2 harbors or has control, custody or possession of an animal, and the verb forms of “to own”
3 shall include all those shades of meaning.

4 ~~(h)~~ “Person” shall mean and include corporations, estates, associations, partnerships
5 and trusts, as well as one or more individual human beings.

6
7 Section 2. The Health Code is hereby amended by revising Section 41.9, to read as
8 follows:

9 **SEC. 41.9. DISPOSITION OF ANIMALS.**

10 (a) In the discretion of the Animal Control Officer, except as otherwise provided in
11 Sections 41.1 through 41.13, inclusive, of this Article, the Animal Control Officer may allow
12 adoption, transfer, placement, or other disposition of any animal that has been impounded or
13 taken into custody by the Animal Control Officer, which is not redeemed within the applicable
14 holding period specified in Section 41.7 hereof or set under applicable state law. The Animal
15 Control Officer shall collect a ~~\$15.00~~16.00 fee, as adjusted under Section 41.26 of this Article, for
16 each animal adopted, plus any other applicable charges under this Article. If an individual
17 adopting an animal is 65 years of age or older, the Animal Control Officer shall reduce the fee
18 by 50 percent. The Animal Control Officer may reduce or waive the adoption fee, plus any other
19 applicable charges under this Article, to the extent the Animal Control Officer finds that such reduction
20 or waiver will maintain or increase the live release rate.

21 (b) It shall be unlawful for the Animal Control Officer or anyone employed at the
22 Department of Animal Care and Control to knowingly sell or give any animal impounded or
23 otherwise taken into custody to any person, medical college or university for purposes of
24 animal experimentation; or for any of the above to induce by or through fraud,
25 misrepresentation, coercion or threats any violations of this Section.

1 (c) If an animal is adopted under this Section, the receipt signed by the Animal Control
2 Officer or such Officer's agent shall be valid title to the adopter.

3 (d) Any animal impounded or otherwise taken into custody by the Animal Control
4 Officer, which, as determined by a licensed veterinarian, is suffering excessively, or is
5 dangerous to keep impounded, shall be forthwith destroyed by the Animal Control Officer.
6

7 Section 3. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.
11

12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance, except as to the alphabetization of definitions in Health Code
18 Section 41 effectuated by Section 2 of this ordinance, and noted at the beginning of Section 2.
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20 Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word
21 of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
22 court of competent jurisdiction, such decision shall not affect the validity of the remaining
23 portions of the ordinance. The Board of Supervisors hereby declares that it would have
24 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
25

1 word not declared invalid or unconstitutional without regard to whether any other portion of
2 this ordinance would be subsequently declared invalid or unconstitutional.

3
4 Section 6. Undertaking for the General Welfare. In enacting and implementing this
5 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
6 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
7 is liable in money damages to any person who claims that such breach proximately caused
8 injury.

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10 Section 7. No Conflict with Federal or State Law. Nothing in this ordinance shall be
11 interpreted or applied so as to create any requirement, power, or duty in conflict with any
12 federal or state law.

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

16 By: _____
17 BRADLEY A. RUSSI
18 Deputy City Attorney

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