

File No. 100712

Committee Item No. 4

Board Item No. 13

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Sub - Committee: Budget and Finance

Date: June 16, 2010

Board of Supervisors Meeting

Date: 6/22/10

#### Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
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#### OTHER

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Completed by: Andrea S. Ausberry

Date Friday, June 11, 2010

Completed by: yg

Date 6/17/10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

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1 [Increasing Animal Care and Control Fees]

2  
3 Ordinance amending the San Francisco Health Code by amending Sections 41.9, 41.10,  
4 41.15, 41.16, 41.17, and 41.22 to increase fees and set new fees for the Department of  
5 Animal Care and Control and to update language to reflect current practices, amending  
6 Section 41.25 to authorize administrative citations for violation of specified Health  
7 Code sections, amending Section 41.26 to update language regarding fee changes in  
8 subsequent fiscal years, and making environmental findings.

9 NOTE: Additions are single-underline italics Times New Roman;  
10 deletions are ~~strike-through italics Times New Roman~~.  
11 Board amendment additions are double-underlined;  
Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Environmental Findings. The Planning Department has determined that the  
14 actions contemplated in this Ordinance are in compliance with the California Environmental  
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is  
16 on file with the Clerk of the Board of Supervisors in File No. 100712 and is  
17 incorporated herein by reference.

18  
19 Section 2. The San Francisco Health Code is hereby amended by amending Section  
20 41.9, to read as follows:

21 SEC. 41.9. - DISPOSITION OF ANIMALS.

22 (a) In the discretion of the Animal Control Officer, except as otherwise provided in  
23 Sections 41.1 through 41.13, inclusive, of this Article, the Animal Control Officer may allow  
24 adoption, transfer, placement, or other disposition of any animal which that has been impounded or  
25 taken into custody by the Animal Control Officer, which is not redeemed within the applicable

1 holding period specified in Section 41.7 hereof or set under applicable state law, may be destroyed  
2 or otherwise disposed of by the Animal Control Officer. Any animal sold by ~~t~~The Animal Control  
3 Officer shall ~~be sold upon the collection of no less than the following a \$15.00 fees~~ for each animal  
4 adopted, plus any other applicable charges under this Article.:

5 ~~(1) For each dog, the sum of \$10, plus, if applicable, the dog license fee provided for in Section~~  
6 ~~41.15 of Article 1 of the San Francisco Health Code~~

7 ~~(2) For each cat, the sum of \$10~~

8 ~~(3) For each hoofed animal, the sum of \$25~~

9 ~~(4) For each rabbit, bird or similar small animal, the sum of \$10~~

10 ~~(5) If an individual adopting an animal the purchaser of a dog or cat is 65 years of age or~~  
11 ~~older, the Animal Control Officer shall reduce the fee to be paid for each dog or cat shall be by 50~~  
12 ~~percent of the applicable sums set forth in the Subparagraphs (a)(1) and (a)(2) above.~~

13 (b) It shall be unlawful for the Animal Control Officer or anyone ~~in such Officer's~~  
14 ~~employed at the Department of Animal Care and Control~~ to knowingly sell or give any animal  
15 impounded or otherwise taken into custody to any person, medical college or university for  
16 purposes of animal experimentation; or for any of the above to induce by or through fraud,  
17 misrepresentation, coercion or threats any violations of this Section.

18 (c) If an animal is ~~sold adopted under pursuant to the provisions of~~ this Section, the receipt  
19 signed by the Animal Control Officer or such Officer's agent shall be valid title to the  
20 ~~purchaser adopter.~~

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

1 Section 3. The San Francisco Health Code is hereby amended by amending Section  
2 41.10, to read as follows:

3 SEC: 41.10. - CHARGES AND FEES.

4 The Animal Control Officer shall charge and collect the following fees from the owner or  
5 guardian of any animal impounded or otherwise taken into custody:

6 (a) Redemption fees: \$30.00.

7 ~~For each dog, the sum of \$25.00~~

8 ~~For each cat, the sum of \$25.00~~

9 ~~For each hoofed animal, the sum of \$25.00~~

10 ~~For each rabbit, bird or other animal, the sum of \$25.00~~

11 (b) Voluntary lifetime cat registration fee: For each cat, the sum of \$10.00.

12 (c) Spay/neuter deposit fee for dogs and cats: \$50.00.

13 ~~For each dog, the sum of \$50.00~~

14 ~~For each cat, the sum of \$50.00~~

15 (d) For feeding and providing ordinary care for animals, ~~the following sums, \$25.00 per~~  
16 day, except for each rabbit, bird or other small animal, the sum shall be \$10.00 per day.

17 ~~For each dog, the sum of \$10.00~~

18 ~~For each cat, the sum of \$10.00~~

19 ~~For each hoofed animal, the sum of \$10.00~~

20 ~~For each rabbit, bird or other animal, the sum of \$10.00~~

21 (e) For owner-requested euthanasia of an adult dog or cat, the sum of \$25.00 each animal.

22 For all other animals, a sum determined by the Animal Control Officer based on the size or number of  
23 animals and the actual cost of the service, not to exceed \$25.00 each animal.

1           (f) For owner surrender of an adult dog or cat, the sum of \$25.00 each animal. For all other  
2 animals, a sum determined by the Animal Control Officer based on the size or number of animals and  
3 the actual cost of the service, not to exceed \$25.00 each animal.

4           (g) For deceased pet disposal, for each adult dog or cat, the sum of \$20.00 each animal. For  
5 all other animals, a sum determined by the Animal Control Officer based on the size or number of  
6 animals and the actual cost of the service, not to exceed \$20.00 each animal.

7           (h) For field services transport, the sum of \$40.00.

8           (i) In the event that If the Animal Control Officer ~~shall~~ determines that payment of any  
9 fees by the owner or guardian of an animal which is impounded or otherwise taken into  
10 custody would cause extreme financial difficulty to ~~said the~~ owner or guardian, the Animal  
11 Control Officer may, at his or her discretion, waive all or part of the fees for the animal.

12           (j) In the event that If any animal is impounded or otherwise taken into custody by the  
13 Animal Control Officer more than one time, the Animal Control Officer shall collect a penalty  
14 redemption fee, which shall be:

15           (1) For a second impoundment two times the fee set forth in Subsection (a) above;

16           (2) For any third or additional impoundment, three times the fee set forth in Subsection  
17 (a) above.

18           (k) In the event that If an animal which is impounded or otherwise taken into custody  
19 must be spayed or neutered while in the custody of the Animal Control Officer, the Animal  
20 Control Officer shall charge an additional fee consisting of the actual expense incurred.

21           (l) For extraordinary care or expense provided for an animal, an additional fee  
22 consisting of the actual expense incurred shall also be charged.

1 Section 4. The San Francisco Health Code is hereby amended by amending Section  
2 41.15, to read as follows:

3 SEC. 41.15. - DOGS: DOG LICENSE FEE LICENSING REQUIREMENT; FEES;  
4 TERM OF LICENSE.

5 It shall be unlawful for any person to own, keep or have control of any dog without  
6 having obtained a current San Francisco license for ~~such~~ the dog, which license shall be  
7 renewed no later than 30 days after the date of expiration, as herein provided.

8 (a) Every person owning, keeping or having control of any dog over the age of four  
9 months within the City and County of San Francisco shall within 30 days after the dog attains  
10 the age of four months or within 30 days of obtaining the dog, obtain a current license for each  
11 dog so owned, kept or controlled.

12 (b) New residents shall have 30 days in which to acquire a current San Francisco  
13 license for each dog owned, kept or controlled within the City and County.

14 (c) ~~Such~~ A dog license shall be issued upon payment, in advance, of a license fee and  
15 upon satisfactory proof of antirabies vaccination and shall be valid for a specified term from  
16 the date of issuance, all as provided in Section 41.18. The Department of Animal Care and  
17 Control, the Tax Collector and any other authorized licensing entity ~~issuing said certificate,~~ is  
18 ~~hereby~~ authorized to charge, and any person requesting ~~said~~ a license shall pay, a fee for each  
19 ~~such~~ license, according to the following scale and subject to the exceptions set forth in this  
20 Article:

21 (1) \$2450 for a one-year license;

22 (2) \$4595 for a two-year license;

23 (3) \$66140 for a three-year license, issued only upon proof that ~~such~~ the dog is 12  
24 months of age or older.

1           Notwithstanding San Francisco Administrative Code section 10.100-2310.117-87(e), *said*  
2 license fees shall be used to defray the costs associated with issuance of *said* licenses,  
3 including personnel costs. ~~Any change recommended by the Director of the Department of Animal~~  
4 ~~Care and Control as to the amount of the fees charged for each license shall be submitted to the Board~~  
5 ~~of Supervisors for approval prior to the imposition of said fee. Fees for partial term licenses for less~~  
6 ~~than a 12-month period will be prorated on a monthly basis.~~ A schedule of *said* license fees shall  
7 be posted conspicuously on the premises of the Department of Animal Care and Control, in  
8 the office of the Tax Collector, and at any other authorized licensing entity charged with the  
9 collection of *said* license fees.

10  
11           Section 5. The San Francisco Health Code is hereby amended by amending Section  
12 41.16, to read as follows:

13           SEC. 41.16. - REDUCTION IN FEE - SPECIAL CIRCUMSTANCES.

14           The following reductions in the fees provided for in Section 41.15(c) shall be available  
15 under the following circumstances:

16           (1) For each dog that is neutered or spayed ~~in accordance with this Article~~, the license  
17 shall be prorated, as follows:

18           (A) ~~\$1220~~ for a one-year license;

19           (B) ~~\$2130~~ for a two-year license;

20           (C) ~~\$3040~~ for a three-year license.

21           (2) If the owner or guardian of a dog is 65 years of age or older, the license fee shall  
22 ~~not exceed~~ be 50 percent of the applicable fee set forth in Section 41.15(c) or 50 percent of the  
23 applicable fee set forth in subsection (1) above.



1 Section 6. The San Francisco Health Code is hereby amended by amending Section  
2 41.17, to read as follows:

3 SEC. 41.17. - FEES—LATE PAYMENT PENALTY.

4 (a) A late charge of ~~\$1025~~ shall be assessed for failure to obtain a current San  
5 Francisco dog license or to renew any expired license within any of the time limitations set  
6 forth in Section 41.15 of this Article. Any *such* late charge shall be in addition to the applicable  
7 license fee and shall be payable at the time of issuance.

8  
9 Section 7. The San Francisco Health Code is hereby amended by amending Section  
10 41.22, to read as follows:

11 SEC. 41.22. - DUPLICATE LICENSE OR REGISTRATION TAG ISSUED.

12 (a) If any license or registration tag ~~shall be~~ *is* lost or stolen, damaged or illegible, the  
13 person owning, possessing, or having control of the dog or cat for which the ~~same~~ *tag* was  
14 issued shall be entitled to receive a duplicate ~~of such~~ tag by presenting to the Tax Collector or  
15 the Department of Animal Care and Control the damaged tag, ~~or~~ the original certificate  
16 showing ownership of ~~said the~~ tag, or ~~subscribing to~~ an affidavit sufficiently showing that ~~such the~~  
17 tag was lost or stolen. Upon payment by the owner of a replacement fee of \$5, the Tax  
18 Collector or the Department of Animal Care and Control shall issue a properly numbered  
19 duplicate tag, and shall keep on file ~~in his office~~ the original affidavit, ~~if any~~, upon which the  
20 duplicate tag was issued.

21 (b) If any license or registration tag is not received due to the United States Mail within  
22 30 days after payment of fees, the person owning, possessing, or having control of the dog or  
23 cat for which the ~~said~~ tag was issued shall be entitled to receive a duplicate ~~of said~~ tag by  
24 presenting to the Tax Collector or the Department of Animal Care and Control ~~the damaged tag,~~  
25 ~~or the original certificate showing ownership of said tag or subscribing to an affidavit sufficiently~~

1 showing that *said the* tag was not received due to the United States Mail within 30 days. The  
2 Tax Collector or the Department of Animal Care and Control, without additional fee, shall  
3 issue a properly numbered tag, and shall keep on file *in his office* all original affidavits upon  
4 which duplicate tags were issued.

5  
6 Section 8. The San Francisco Health Code is hereby amended by amending Section  
7 41.25, to read as follows:

8 SEC. 41.25. – PENALTIES; ADMINISTRATIVE CITATIONS.

9 (a) A violation of the provisions of Section 41.21 of this Article shall be a misdemeanor,  
10 and punishable by a fine of not more than \$500.

11 (b) A violation of the provisions of Section 41.15 or 41.19 of this Article shall be an  
12 infraction and punishable by a fine of \$100.

13 (c) Administrative Citation. Violations of Sections 41.15, 41.19, and 41.21 of this Article may  
14 be punishable by administrative citation. Except as to the amounts of the citation penalties, Chapter  
15 100 of the San Francisco Administrative Code is incorporated herein by reference. The City employees  
16 identified in Section 41.24 may issue administrative citations. The fine for violation of Sections 41.15  
17 and 41.19 of this Article shall be \$75. In addition, for violation of Section 41.15 and 41.19, the Animal  
18 Control Office shall assess a late charge under Section 41.17. The fine for violation of Section 41.21 of  
19 this Article shall be \$100.

20  
21 Section 9. The San Francisco Health Code is hereby amended by amending Section  
22 41.26, to read as follows:

23 SEC. 41.26. - ANNUAL ADJUSTMENT OF FEES.

24 Beginning with fiscal year ~~2003-2004~~2010-2011, fees set in Sections 41.9, 41.10, 41.15,  
25 41.16, 41.17, and 41.22 may be adjusted each year, without further action by the Board of

1 Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the  
2 Controller.


3 No later than April 15th of each year, the Department of Animal Care and Control shall  
4 submit its current fee schedule to the Controller, who shall apply the price index adjustment to  
5 produce a new fee schedule for the following year.

6 No later than May 15th of each year, the Controller shall file a report with the Board of  
7 Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient  
8 revenue to support the costs of providing the services for which each fee is assessed, and (b)  
9 the fees do not produce revenue which is significantly more than the costs of providing the  
10 services for which each fee is assessed.

11  
12 Section 10. This ordinance shall become operative on its effective date or on July 1,  
13 2010, whichever is later.

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

17 By:

  
18 KATHARINE HOBIN PORTER  
19 Deputy City Attorney  
20  
21  
22  
23  
24  
25

FILE NO.

## LEGISLATIVE DIGEST

[Increasing Animal Care and Control Fees]

**Ordinance amending the San Francisco Health Code by amending Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22 to increase fees and set new fees for the Department of Animal Care and Control and to update language to reflect current practices, amending Section 41.25 to authorize administrative citations for violation of specified Health Code sections, amending Section 41.26 to update language regarding fee changes in subsequent fiscal years, and making environmental findings.**

### Existing Law

Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22 of the San Francisco Health Code establish procedures and fees for various services by the Department of Animal Care and Control (ACC), and set certain requirements regarding animals in the City and County of San Francisco. Section 41.25 specifies the penalties for violations of Sections 41.15, 41.19 and 41.21. Section 41.26 allows for annual adjustment of fees without further action by the Board of Supervisors.

### Amendments to Current Law

The proposed ordinance amends Sections 41.9, 41.10, 41.15, 41.16, and 41.17 of the San Francisco Health Code to increase fees for certain services provided by ACC. The ordinance also expressly identifies certain services offered by ACC and specifies the fees for those services. The proposed ordinance also updates language in Sections 41.9, 41.10, 41.15, 41.16, 41.17 and 41.22 to reflect current practices at ACC. The proposed ordinance amends Section 41.25 to permit administrative citations for violations of Sections 41.15, 41.19 and 41.21, and sets the citation amount: \$75 for violation of Sections 41.15 and 41.19, plus the late fee due under Section 41.17; and \$100 for violation of Section 41.21. Finally, the proposed ordinance amends Section 41.26 to reflect the current fiscal year as the baseline for annual adjustment of fees without further action by the Board of Supervisors.

### Background Information

The current fees set in Sections 41.9, 41.10, 41.15, 41.16, and 41.17 do not cover the costs to the Department of Animal Care and Control of providing the services. The proposed fee increase will cover those costs.



TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *PC* Mayor Gavin Newsom *ST*  
RE: Increasing Animal Care and Control Fees  
DATE: June 1, 2010

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Dear Madame Clerk:

Attached for introduction to the Board of Supervisors is the ordinance amending the San Francisco Health Code by amending Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22 to increase fees and set new fees for the Department of Animal Care and Control and to update language to reflect current practices, amending Section 41.25 to authorize administrative citations for violation of specified Health Code sections, amending Section 41.26 to update language regarding fee changes in subsequent fiscal years, and making environmental findings.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Starr Terrell (415) 554-5262.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
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BY *PC*

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✓  
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BOARD of SUPERVISORS



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San Francisco 94102-4689  
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TDD/TTY No. 554-5227

**MEMORANDUM**

TO: Planning Department  
Environmental Review Officer

FROM: Angela Calvillo, Clerk of the Board

DATE: June 14, 2010

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Budget and Finance Committee

The Board of Supervisors Budget and Finance Committee has received the following, which is being referred to the Planning Department for determination as to whether the proposed fees will impact the environment.

**Please provide your findings AS SOON AS POSSIBLE.**

File: 100712

**Ordinance amending the San Francisco Health Code, Article 1, by amending Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22, to increase fees and set new fees for the Department of Animal Care and Control and to update language to reflect current practices, amending Section 41.25 to authorize administrative citations for violation of specified Health Code sections, amending Section 41.26 to update language regarding fee changes in subsequent fiscal years, and making environmental findings.**

Please return this cover sheet with the Commission's response to Gail Johnson, Clerk, Budget and Finance Committee.

cc: Nannie Turrell, Major Environmental Analysis  
Brett Bollinger, Major Environmental Analysis

\*\*\*\*\*

RESPONSE FROM PLANNING DEPARTMENT - Date: June 14, 2010

No Comment

✓ Recommendation Attached

Exempt from environ-  
mental review  
per CEQA Guidelines  
Section 15273,  
Rates, Fees, Fines  
and Charges.

Manuel T. Simell for  
Bill Wycko, Environmental Review Officer