

[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.**

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

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

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

ARTICLE 39: COMMERCIAL DOG WALKING

SEC. 39.01. DEFINITIONS.

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

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

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

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

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

*(e) "Enforcement Officer." (1) An officer or employee of the Department designated by the
Director to enforce this Article 39; (2) an officer or employee of the Port of San Francisco, the
Recreation and Park Department, or the San Francisco Public Utilities Commission ("SFPUC")
designated by the Port Director, the General Manager of the Recreation and Park Department, or the*

1 General Manager of the SFPUC, respectively, to enforce this Article 39 on property under the
2 jurisdiction of the Port, Recreation and Park, or the SFPUC, respectively; or (3) any peace officer.

3 (f) "Park Property." All grounds, roadways, avenues, squares, recreation facilities, and other
4 property placed under the control, management and direction of the Recreation and Park Commission
5 by the Charter of the City and County of San Francisco, and the open space on the blocks bounded by
6 Market, Folsom, Third and Fourth Streets which is under the control, management and direction of the
7 Redevelopment Agency of the City and County of San Francisco, otherwise known as the "Yerba Buena
8 Gardens,"

9 "Park Property" shall also include property under the jurisdiction of the Port of San Francisco
10 that the Port Commission has designated for inclusion under this Article 39, and property under the
11 jurisdiction of the SFPUC that the SFPUC has designated for inclusion under this Article 39.

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

13
14 **SEC. 39.02. PERMIT REQUIRED.**

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

18
19 **SEC. 39.03. APPLICATIONS FOR PERMIT.**

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

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

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

24 (2) Whether or not the applicant has ever been convicted of any crime involving the
25 mistreatment of animals and if so convicted, the place and court in which the conviction was had, the

1 specific charge under which the conviction was obtained, and the sentence imposed as the result of said
2 conviction;

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

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

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

8 (c) The application shall also include:

9 (1) A copy of a current valid City business registration certificate under Business and
10 Tax Regulations Code Section 853 for the proposed Commercial Dog Walking business;

11 (2) Proof of completion of the training required under Section 39.06;

12 (3) Proof of \$1 million in general liability insurance;

13 (4) Proof of inspection and approval of dogwalking safety equipment required under
14 Section 39.07(e); and,

15 (5) If the permit applicant will be transporting dogs by car in connection with a
16 Commercial Dog Walking business, proof of the vehicle inspection and approval required under
17 Section 39.07(g).

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

20
21 **SEC. 39.04. PERMIT FEE.**

22 (a) The Director shall set the amount of the permit fee required under Section 39.03(a) by
23 regulation adopted under Section 39.09.

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

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

10
11 **SEC. 39.05. ISSUANCE OF PERMIT.**

12 **(a) The Director may issue a permit within 21 days following the filing of a complete**
13 **application as provided in Section 39.03 if he or she finds, based upon the contents of the application**
14 **and his or her own investigation:**

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

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

20 **(A) An offense involving the mistreatment of animals that amounts to a felony, or**
21 **if committed without the State of California would amount to a felony if committed within the State of**
22 **California, provided that the conviction occurred within the past ten years;**

23 **(B) An offense involving the mistreatment of animals that amounts to a**
24 **misdemeanor or infraction, or if committed outside of the State of California would amount to a**
25

1 misdemeanor or infraction if committed within the State of California, provided that such person
2 committed three separate offenses within the past five years.

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

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

7 (c) No Commercial Dog Walking permit shall be transferable.

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

10
11 **SEC. 39.06. TRAINING.**

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

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

19 (2) The applicant shall complete an approved apprenticeship program consisting of
20 consisting of at least 40 hours of practical experience working with another dog walker doing business
21 as a permittee under this Article 39.

22 (b) Within 30 days of the effective date of this ordinance, the Director shall adopt regulations
23 setting forth the required content of a course under subsection (a)(1) or the criteria for an approved
24 apprenticeship program under subsection (a)(2). After adoption of such regulations, the Director shall

1 approve or disapprove, within 30 days of submission, any entity's proposal to offer the required
2 Commercial Dog Walking training under subsection (a)(1) or (2).

3 (c) Notwithstanding the provisions of subsection (a), any person who, on March 1, 2012, has
4 held for at least the past three consecutive years a valid City business registration certificate under
5 Business and Tax Regulations Code Section 853 for a dog walking business shall be deemed to have
6 satisfied the training requirement of this Section. The Director may by regulation adopted under
7 Section 39.09 determine which other equivalent occupational experience, if any, provides similar
8 training and may be substituted for dog walking under this subsection (c).

9
10 **SEC. 39.07. RULES FOR COMMERCIAL DOG WALKING.**

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

13 (a) The permittee may not walk more than 7 dogs at one time.

14 (b) The permittee may only walk dogs currently licensed under Health Code 41.15.

15 (c) The permittee must carry a leash for each dog, and follow all applicable on-leash rules.

16 (d) The permittee must clean up after any dogs he or she is walking, as required by Health
17 Code Section 40 and all applicable Recreation and Park Department rules and regulations.

18 (e) The permittee must have dogwalking safety equipment, approved by the Director, either
19 upon his or her person or at a nearby location, including in a vehicle, that is readily accessible.

20 (f) The permittee must have sufficient drinking water for the dogs either upon his or her person
21 or at a nearby location, including in a vehicle, that is readily accessible.

22 (g) If the permittee transports dogs to or from Park Property, the permittee must do so in a safe
23 and appropriate manner, including properly restraining the dogs while in open vehicles, and in a
24 vehicle inspected and approved for this purpose by the Director; provided, however, that in any
25

1 disciplinary or enforcement action based on the inspection-and-approval requirement, if the Director
2 finds good cause, he or she may grant the permittee up to 30 days to qualify a replacement vehicle.

3
4 **SEC. 39.08. ADMINISTRATIVE INSPECTIONS.**

5 (a) Every permittee shall, while walking four or more dogs at any one time for consideration on
6 Park Property, wear his or her permit so that it is readily visible to any enforcement officer.

7 (b) If an enforcement officer has an objectively reasonable basis for suspecting that a permittee
8 is transporting dogs by car in connection with a Commercial Dog Walking business and that the
9 vehicle the permittee is using for that purpose has not been inspected and approved by the Director
10 under Section 39.07(g), the enforcement officer may request the permittee to provide a copy of his or
11 her vehicle inspection and approval from the Director and the permittee shall comply with the officer's
12 request.

13 (c) If an enforcement officer has an objectively reasonable basis for suspecting that a permittee
14 does not have ready access to dogwalking safety equipment while walking four or more dogs at any one
15 time for consideration on Park Property, and/or that the equipment has not been approved by the
16 Director under Section 39.07(e), the enforcement officer may request the permittee to produce the
17 equipment and provide a copy of his or her approval from the Director and the permittee shall comply
18 with the officer's request.

19
20 **SEC. 39.09. DIRECTOR'S REGULATIONS.**

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

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1 **SEC. 39.10. LICENSE FEES.**

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

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

10 (c) The Director shall set the amount of the annual license fee by regulation adopted under
11 Section 39.09. The Director shall base the amount of the fee upon the actual costs to the Department of
12 administering and enforcing this Article 39, but shall not set the amount at greater than one hundred
13 dollars (\$100).

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

20
21 **SEC. 39.11. SUSPENSION AND REVOCATION OF PERMIT.**

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

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

1 (2) Violation of provisions of this Article (other than Section 39.07(b)), the San
2 Francisco Municipal Code, or any regulations adopted by the Director under Section 39.09, or of any
3 of the laws of the State of California regulating the treatment of animals;

4 (3) Serious physical mistreatment by the permittee of any animals under his or her
5 control or custody; or,

6 (4) For any other good cause shown.

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

9
10 **SEC. 39.12. ENFORCEMENT AND PENALTIES.**

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

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

22 (1) Up to \$50 for the first violation;

23 (2) Up to \$100 for a second violation within a twelve-month period; and,

24 (3) Up to \$500 for a third and subsequent violations within a twelve-month period.
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1 (c) Except as provided in subsection (b), setting forth the amount of administrative fines,
2 Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as
3 may be amended from time to time, is hereby incorporated in its entirety and shall govern the
4 imposition, enforcement, collection, and review of administrative citations issued by the Director to
5 enforce this Article or any administrative regulation adopted under this Article.

6 (d) The Department shall maintain on its website a list of all persons who have been punished
7 under this Section during the last three years.

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

10 The provisions of this Article 39 shall become operative and enforceable on April 1, 2012.
11 During the period between the effective date of the ordinance adopting these provisions and April 1,
12 2012, the Director and the Department shall conduct a public outreach and education campaign to
13 alert dog walkers and the public about the requirements of this Article.

14
15 Section 2. Effective Date. This ordinance shall become effective 30 days from the
16 date of passage.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20
21 By: _____
22 THOMAS J. OWEN
23 Deputy City Attorney