Amendment of the whole
in committee. 11/7/05

FILE NO. 051607 ORDINANCE NO.

[Mandating the spaying and neutering of pit bulls and prohibiting non-permitted breeding of pit bulls.]

Ordinance amending Article 1 of the San Francisco Health Code by: adding Section 43, to define pit bull and to create a procedure for determining breed; adding Section 43.1, to require every pit bull in the City and County of San Francisco to be spayed or neutered unless one of the enumerated exceptions apply; adding Section 43.2, to establish fines of $100 to $1000 for failing to spay or neuter, to limit an owner from redeeming an impounded unspayed or unneutered pit bull, to provide a procedure for the Department of Animal Care and Control to spay or neuter a pit bull upon a deposit of $100 with an ultimate fee of the actual expenses incurred, and to set a fee of $60 for Animal Care and Control to transport a pit bull to a private veterinarian for spaying or neutering; adding Section 43.3, to allocate fines to the Department of Animal Care and Control; adding Section 43.4 to provide an operative date; adding Section 44, to provide permit requirements for the breeding and/or transferring ownership or possession of pit bull puppies within the City and County of San Francisco; adding Section 44.1, to create a permit procedure including standards for granting or denying a permit and establish a permit fee of $100; adding Section 44.2, to create a procedure for revoking a permit; adding Section 44.3, to require posting of permit numbers on any offer of sale, trade or adoption and to require permit holders to inform the Department of Animal Care and Control of the number of puppies born and transfer of ownership or possession of puppies; adding Section 44.4, to create fines of $100 to $1000 for failure to comply with permit requirements; adding Section 44.5, to allocate fines to the Department of Animal Care and Control; adding Section 44.6, to define exceptions to the breeding permit posting requirements; adding Section 44.7 to provide an operative date; and making environmental findings.

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

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

Section 1. Article 1 of the San Francisco Health Code is hereby amended by adding Section 43, to read as follows:

SEC. 43. DEFINITION OF PIT BULL.

*(a) **Definition.** For the purposes of this Article, the word "pit bull" includes any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics that conform to the standards established by the American Kennel Club ("AKC") or United Kennel Club ("UKC") for any of the above breeds. The AKC and UKC standards for the above breeds are listed on their websites as well as online through the Animal Care and Control Department's ("Department") website.*

*(b) **Determination of Breed.** If an owner, guardian or keeper is unsure as to whether or not his/her unspayed and unneutered dog is a pit bull, s/he may make an appointment with the Department at which a Department staff member shall make a determination as to whether or not the dog is a pit bull. If the dog owner, guardian or keeper wishes to appeal the determination that the dog is a pit bull, within five business days of the staff member's determination s/he may request a hearing before the Department's Director or his/her designee. The hearing shall be held no more than 30 days after the Director receives the request. The hearing may be informal and rules of evidence not strictly observed. The decision of the Director or his/her designee is final.*

Section 2. Article 1 of the San Francisco Health Code is hereby amended by adding Section 43.1, to read as follows:

SEC. 43.1. MANDATORY SPAYING AND NEUTERING OF PIT BULLS; EXCEPTIONS.

No person may own, keep, or harbor any dog within the City and County of San Francisco that the person in possession knew, or should have known, was a pit bull that has not been spayed or neutered unless:

(a) The pit bull is under eight weeks of age;

(b) The pit bull cannot be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to a physical abnormality. A veterinarian must certify such a condition, determine the time frame after which the pit bull can be spayed/neutered. Within 30 days of the ~~effective~~operative *date of this ordinance, or within 30 days of taking possession or ownership of an unspayed or unneutered pit bull, the owner, guardian or keeper must submit such documentation to be verified by the Department;*

(c) The pit bull has been present in the City and County of San Francisco for less than thirty days;

(d) The owner, guardian or keeper has obtained, or has submitted an application for a breeding permit in accordance with Section 44 et seq. of the San Francisco Health Code;

(e) Determination of breed is under appeal pursuant to Section 43(b) above; or

(f) The pit bull is a show dog. Within 30 days of the ~~effective~~operative *date of this ordinance, or within 30 days of taking possession or ownership of an unspayed or unneutered pit bull, the owner, guardian or keeper must submit a copy of the organization papers (AKC or UKC) to the Department of Animal Care and Control demonstrating the pedigree information and show dog registration and that the dog conforms with the same breeding permit guidelines set forth in Sections 44.1(a)(3)(A), 44.1(a)(3)(B), 44.1(a)(3)(C) and 44.1(a)(3)(D).*

Section 3. Article 1 of the San Francisco Health Code is hereby amended by adding Section 43.2, to read as follows:

SEC. 43.2. PENALTIES FOR FAILURE TO SPAY OR NEUTER PIT BULL.

Violation of Section 43.1 may result in the following penalties:

(a) A first violation may result in the Department impounding the pit bull and disposing of the pit bull in accordance with Sections 41.7(a) and 41.9 of the San Francisco Health Code. A first violation shall be an infraction punishable by a fine not to exceed $500. In order for the owner, guardian or keeper to reclaim the pit bull from the Department, in addition to paying the other charges and fees set out in Section 41.10, one of the following must occur:

(1) The Department shall have a veterinarian spay or neuter the dog. The dog owner, guardian or keeper shall pay a deposit of $100 prior to the procedure and will be charged the fee for such services consisting of the actual expense incurred as established by the Department. There may be additional fees for any extraordinary care provided.

(2) In the alternative, the owner, guardian or keeper shall arrange for another veterinarian within the City and County of San Francisco to spay or neuter and shall pay the Department a fee of $60, which shall cover the Department's costs of delivering the dog to a vet of the owner, guardian or keeper's choosing. The Department shall deliver the dog to the vet, and the vet shall release the dog to the owner, guardian or keeper only after the spaying or neutering is complete.

(3) At the discretion of the Director, or his/her designee, the Director may release the dog to the owner, guardian or keeper provided that the owner, guardian or keeper signs an affidavit that s/he will have the dog spayed or neutered within two weeks and will provide documentation verifying that the spaying or neutering occurred upon completion. If the owner, guardian or keeper fails to have his/her pit bull spayed or neutered as agreed in the affidavit, the Department shall have the authority to impound the dog, and the owner, guardian or keeper may be charged with a second violation under 43.2(b), below.

(4) In the event that the Director or his/her designee determines that payment of any fees by the owner, guardian or keeper of a pit bull which is impounded or otherwise taken into custody would

cause extreme financial difficulty to the owner, guardian or keeper, the Director or his/her designee may, at his/her discretion, waive all or part of the fees necessary for compliance with this section.

(b) A second violation of this section by the owner, guardian or keeper, shall be a misdemeanor punishable by imprisonment in the County Jail for a period not to exceed six months or by a fine not to exceed $1,000, or by both such fine and imprisonment. In addition, a second violation may result in the Department impounding the pit bull and disposing of the pit bull in accordance with Sections 41.7(a) and 41.9 of the San Francisco Health Code. Further, the provisions of Section 43.2(a)(1) above may apply.

Section 4. Article 1 of the San Francisco Health Code is hereby amended by adding Section 43.3, to read as follows:

SEC. 43.3. ALLOCATION OF FEES AND FINES COLLECTED.

All fees and the City's share of all fines collected under Section 43.2 shall be used only by the Animal Care and Control Department to fund the implementation and enforcement of the pit bull spaying/neutering program.

Section 5. Article 1 of the San Francisco Health Code is hereby amended by adding Section 43.4, to read as follows:

SEC. 43.4. OPERATIVE DATE.

Notwithstanding the provisions of Section 43.1, the provisions of this Section mandating the spaying and neutering of pit bulls shall not be operative until ~~January 1, 2006~~the first date that California Health and Safety Code Section 122331 is in full force and effect or upon the effective date of this ordinance, whichever is later.

Section 6. Article 1 of the San Francisco Health Code is hereby amended by adding Section 44, to read as follows:

SEC. 44. REQUIRING A PERMIT FOR THE BREEDING AND TRANSFERRING OF PIT BULL PUPPIES.

(a) No person shall cause or allow any pit bull, as defined in Section 43(a) of the San Francisco Health Code, that is owned, harbored or kept within the City and County of San Francisco to breed or give birth without first obtaining a permit as described in this Article.

(b) Keeping an unaltered male adult dog together with a female dog in heat in the same dog run, pen, room, or any other space where the two dogs are allowed contact with one another that would allow the dogs to breed is considered prima facie evidence of an owner, guardian or keeper's intent to allow the dogs to breed.

Section 7. Article 1 of the San Francisco Health Code is hereby amended by adding Section 44.1, to read as follows:

SEC. 44.1. GRANTING OR DENYING A PERMIT.

*(a) **Requirements of permit.** An owner or keeper of a pit bull may obtain a nontransferable permit that lasts for one year. If more than one owner, guardian, or keeper is involved in the breeding process, each party must apply for and be granted a breeding permit. The permit may be obtained from the San Francisco Department of Animal Care and Control ("Department") if all of the following conditions are met:*

(1) The applicant has submitted the appropriate forms and fees required by the Department in order to seek consideration for a breeding permit.

(2) The applicant has a space in which to breed pit bulls and raise the puppies that the Department is satisfied will contain the animals as well as provide them with safe, sanitary, and humane conditions, appropriate for breeding pit bulls, which satisfies all applicable provisions of Article 1 of the San Francisco Health Code and all applicable State animal welfare laws.

(3) The Department has evaluated and reached a positive conclusion regarding the suitability of the particular pit bulls to be bred, including consideration of their lineage, age and health condition. The Department shall utilize the following guidelines in making a determination:

(A) Owners, guardians or keepers shall provide verification that any pit bull to be bred is registered as an American Pit Bull Terrier, an American Staffordshire Terrier, or a Staffordshire Bull Terrier, with the appropriate registry for its breed (American Kennel Club, United Kennel Club, American Dog Breeders Association ("ADBA")) or any other valid registry as determined by the Department.

(B) Any pit bull to be bred must meet the pit bull breed standard, as defined by the appropriate registration agency (AKC, UKC, or ADBA), for physical conformation as well as temperament.

(C) The registered pit bull has participated in at least one approved dog show during the previous 365 day period or the owner, guardian or keeper has given written notice to one of the dog registries listed above stating his/her intention that the dog will participate in an approved dog show. A dog show is defined as an event that is sanctioned in writing by one or more of the dog registries listed above.

(D) Any pit bull to be bred shall have the appropriate health screenings for its breed. For pit bulls this is, at a minimum, the following health tests: Orthopedic Foundation for Animals ("OFA") or University of Pennsylvania Hip Improvement Program ("PennHIP") certification on hips, OFA on heart by a certified cardiologist and must have passed the American Temperament Testing Society temperament test.

(4) Breeders shall not allow female pit bulls to have more than 1 litter per year.

(5) Upon approval of his/her application, the applicant must pay the $100 permit fee.

(b) ***Permit denial.*** *The Department shall automatically deny the permit if one or more of the following occurs, and that decision shall be final:*

(1) The applicant fails to pay the permit fee within two weeks of notification that the application has been approved. Applicant may reapply for a permit after ten months.

(2) The applicant has a history of allowing dogs to run loose or escape, or has otherwise been found to be neglectful; has had his/her dog identified as a nuisance; or has previously been determined to have violated Section 41.12 of the San Francisco Health Code.

(3) The applicant has violated any provisions of Health Code Sections 42 through 44.5.

(4) The applicant has applied for a permit within the last ten months.

(c) ***Inspections of the premises.*** *The Department may on one or more occasions, up to a year after issuing the permit, perform an inspection of the dogs' living quarters to ensure that the standards required to receive a permit are met. The Department will give the owner, guardian or keeper a twenty-four hour notice and will conduct such inspection at a reasonable time when the owner, guardian or keeper, or his/her representative, is present. The owner, guardian or keeper shall allow the Department access to conduct the inspection.*

If the property does not meet the required standards, or the owner, guardian or keeper cannot be contacted for an inspection within two weeks of the Department's initial attempt, or the owner, guardian or keeper fails or refuses to allow an inspection, the Department shall not issue a permit.

Section 8. Article 1 of the San Francisco Health Code is hereby amended by adding Section 44.2, to read as follows:

SEC. 44.2. REVOCATION OF PERMIT.

(a) The Department may, after conducting a hearing, revoke a breeding permit for violations of the provisions of Sections 42 through 44.5 of the San Francisco Health Code. Within five days of the Department's knowledge of any such violation(s), a hearing officer, who is any designated representative of the Department of Animal Care and Control or the San Francisco Police Department, shall notice the owner, guardian or keeper of the pit bull in writing that s/he is in violation and subject to penalties under this ordinance, including revocation of his/her breeding permit. Unless the hearing

is waived by the owner, guardian, or keeper of the dog, or the hearing is scheduled on an agreed-upon date, the hearing officer shall fix a time not less than ten or more than 30 days from the date of the violation notice. The hearing officer shall fix a place for said hearing and cause all parties to be notified, not less than five days before the date of such hearing. The hearing may be informal and the rules of evidence not strictly observed. Within fifteen days following the hearing, the hearing officer shall issue his/her decision to all parties. The decision of the hearing officer is final. Upon a finding of a violation, the hearing officer may impose appropriate remedies on the owner, guardian, or keeper. Any violation(s) may also be considered in future permitting decisions.

(b) After the Department has issued a permit, it may revoke the permit pursuant to procedures set forth in Section 44.2(a) if a subsequent inspection of the premises under Section 44.1(c) reveals the area to be below the standards required for the permit, or if the owner, guardian or keeper cannot be contacted for an inspection within two weeks of the Department's initial attempt, or if the owner, guardian or keeper refuses the Department access for an inspection. If the dog is already pregnant or the puppies are born, the Department may, pending a hearing, impound the pit bull and/or its puppies in accordance with Section 41.7(a) of the San Francisco Health Code. After a hearing, the Department may fine the owner, guardian or keeper an amount not to exceed $500, permanently confiscate the puppies and dispose of them in accordance with Section 41.9 of the San Francisco Health Code, and consider the violation in future permitting decisions.

Section 9. Article 1 of the San Francisco Health Code is hereby amended by adding Section 44.3, to read as follows:

SEC. 44.3. TRANSFERENCE AND SALE OF PIT BULL PUPPIES

(a) Any owner, guardian or keeper residing in or conducting a transaction within the City and County of San Francisco who offers any pit bull puppies under six months old for sale, trade, or adoption, must prominently post his/her valid breeding permit number with any offer of sale, trade, or

adoption. The permit number must also be supplied in writing to the individual, firm, corporation, or other entity that acquires a puppy.

(b) The breeder shall not remove puppies from the litter until the puppies are at least 8 weeks of age, are fully weaned, have their first set of vaccinations, have been be de-wormed and are in good general health.

(c) Breeders and any party that acquires a pit bull puppy through purchase, trade or adoption shall enter into a written agreement for the transaction and must include language that the acquiring party shall, at any time during the dog's life, return the puppy to the breeder if the acquiring party cannot keep it, and that the breeder shall accept any such returned dog.

(d) Pit bull puppies that do not have show dog papers as defined in Section 43.1(f) must be spayed or neutered by the breeder prior to transfer.

(e) Within three weeks of the time that the litter is whelped, the breeder shall send to the Department a head count of how many puppies were live born. Within three weeks after the breeder transfers physical possession of each puppy, the breeder shall notify the Department of the name, address, and telephone number of the new owner, guardian or keeper of each puppy.

Section 10. Article 1 of the San Francisco Health Code is hereby amended by adding Section 44.4, to read as follows:

SEC. 44.4. FINES FOR FAILURE TO COMPLY WITH PERMIT REQUIREMENTS.

(a) A violation of the breeding permit provisions at Section 44 shall be an infraction punishable by a fine not to exceed $500. Such violations must be corrected within 30 days.

(b) After 30 days of a first citation, if the owner, guardian or keeper fails to correct a violation of Section 44, it shall be an additional violation and shall be punishable as a misdemeanor. Subsequent violations will be considered part of a continuous sequence of offenses and each violation after 30 days of a prior conviction will be punishable as a misdemeanor. The punishment shall be

imprisonment in the County Jail for a period not to exceed six months or by a fine not exceeding $1,000, or by both such fine and imprisonment.

(c) Failure to include a prominently posted permit number when transferring pit bull puppies under Section 44.3(a) shall be an infraction punishable by a $100 fine for the first violation, a $200 fine upon a second violation within a year of the first offense, and a $500 fine upon the third and subsequent violations within a year of the second offense.

(d) Failure to provide the Department with the number of puppies born and information about a new owner, guardian or keeper of each puppy in accordance with Section 44.3(e) shall be an infraction punishable by a $100 fine for the first violation, a $200 fine upon a second violation within one year of the first offense, and fine of $500 for the third and subsequent violations within one year of the second offense. Failure to provide the Department with the new owner, guardian or keeper's information for each puppy, will be considered a separate and individual violation.

Section 11. Article 1 of the San Francisco Health Code is hereby amended by adding Section 44.5, to read as follows:

SEC. 44.5 ALLOCATION OF FEES AND FINES COLLECTED.

All fees and the City's share of all fines collected under Section 44.4 shall be used only by the Animal Care and Control Department to fund the implementation and enforcement of the pit bull breeding permit program.

Section 12. Article 1 of the San Francisco Health Code is hereby amended by adding Section 44.6, to read as follows:

SEC. 44.6. EXCEPTIONS TO PERMIT POSTING REQUIREMENTS.

The Department of Animal Care and Control or a valid 501(c)(3) animal welfare and rescue organization that seeks adoptive homes for pit bulls may transfer ownership and place ads without displaying or supplying a permit number as described in Section 44.3(a).

Section 13. Article 1 of the San Francisco Health Code is hereby amended by adding Section 44.7, to read as follows:

SEC. 44.7. OPERATIVE DATE.

Notwithstanding the provisions of Sections 44 through 44.3, the provisions of this Section requiring a permit for the breeding and transfer of pit bull puppies shall not be operative until ~~January 1, 2006~~the first date that California Health and Safety Code Section 122331 is in full force and effect or upon the effective date of this ordinance, whichever is later.

Section 14. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 051607 and is incorporated herein by reference.

Section 15. If a referendum petition to overturn Section 122331 of the California Health and Safety Code is placed before the voters and the voters do not adopt Section 122331 of the California Health and Safety Code, Sections 43 et seq. and 44 et seq. of the San Francisco Health Code shall not become operative and the Clerk of the Board of Supervisors shall submit to the Board a proposed ordinance that would repeal Sections 43 et seq. and 44 et seq. of the San Francisco Health Code.

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

By: ROSA M. SANCHEZ
Deputy City Attorney

FILE NO. 051607

LEGISLATIVE DIGEST

[Mandating the spaying and neutering of pit bulls and prohibiting non-permitted breeding of pit bulls.]

Ordinance amending Article 1 of the San Francisco Health Code by: adding Section 43, to define pit bull and to create a procedure for determining breed; adding Section 43.1, to require every pit bull in the City and County of San Francisco to be spayed or neutered unless one of the enumerated exceptions apply; adding Section 43.2, to establish fines of $100 to $1000 for failing to spay or neuter, to limit an owner from redeeming an impounded unspayed or unneutered pit bull, to provide a procedure for the Department of Animal Care and Control to spay or neuter a pit bull upon a deposit of $100 with an ultimate fee of the actual expenses incurred, and to set a fee of $60 for Animal Care and Control to transport a pit bull to a private veterinarian for spaying or neutering; adding Section 43.3, to allocate fines to the Department of Animal Care and Control; adding Section 43.4 to provide an operative date; adding Section 44, to provide permit requirements for the breeding and/or transferring ownership or possession of pit bull puppies within the City and County of San Francisco; adding Section 44.1, to create a permit procedure including standards for granting or denying a permit and establish a permit fee of $100; adding Section 44.2, to create a procedure for revoking a permit; adding Section 44.3, to require posting of permit numbers on any offer of sale, trade or adoption and to require permit holders to inform the Department of Animal Care and Control of the number of puppies born and transfer of ownership or possession of puppies; adding Section 44.4, to create fines of $100 to $1000 for failure to comply with permit requirements; adding Section 44.5, to allocate fines to the Department of Animal Care and Control; adding Section 44.6, to define exceptions to the breeding permit posting requirements; adding Section 44.7 to provide an operative date; and making environmental findings.

Existing Law

The San Francisco Municipal Code does not currently contain any provisions regarding the mandatory spaying or neutering of pit bulls. The State of California's Assembly and Senate have passed SB 861 to allow for breed-specific legislation due to threats to public health and safety. SB 861 authorizes local governments to enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances. Jurisdictions that implement spay/neuter and breeding programs pursuant to SB 861, shall measure the effect of those programs by compiling statistical information on dog bites. The information shall, at a minimum, identify dog bites by severity, the breed of the dog involved, whether the dog was altered, and whether the breed of dog was subject to a program established pursuant to the spay/neuter and breeding programs. These statistics shall be submitted quarterly to the State Public Health Veterinarian. Currently SB 861 is at the Governor's desk awaiting approval.

FILE NO.

Additions to Current Law

1. Pit bull definition: A pit bull is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics that substantially conform to the standards established by the American Kennel Club ("AKC") or United Kennel Club ("UKC") for any of the above breeds. The AKC and UKC standards for the above breeds are listed on their websites as well as online through the Animal Care and Control Department's ("Department") website. The Department of Animal Care and Control will make a determination of breed as necessary. (Section 43.)

2. Mandatory spaying/neutering: Every pit bull in the City and County of San Francisco must be spayed or neutered unless it fits an enumerated exception. The enumerated exceptions are: the pit bull is under eight weeks of age; the pit bull cannot be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to a physical abnormality; the pit bull has been present in the City and County of San Francisco for less than thirty days; the owner, guardian or keeper has obtained, or has submitted an application for a breeding permit in accordance with Section 44 et seq. of the San Francisco Health Code; the determination of breed is under appeal pursuant to Section 43(b); or the pit bull is a show dog. (Section 43.1.)

3. Penalties for failure to spay/neuter: Penalties are imposed for the failure of an owner, guardian or keeper to spay or neuter his/her pit bull. (Section 43.2.)

4. Allocation of fees and fines: All fees and the City's share of all fines collected under the spay/neuter ordinance shall be used only by the Animal Care and Control Department to fund the implementation and enforcement of the pit bull spaying/neutering program. (Section 43.3.)

5. Requiring a breeding permit: A breeding permit will be required for the breeding of pit bulls within the City and County of San Francisco. (Section 44.)

6. Granting or denying permit: Upon application, the Department of Animal Care and Control may issue breeding permits that last for one year. Granting or denying a permit to an applicant will be based on the owner, guardian or keeper meeting all of the requirements set forth by the Department of Animal Care and Control. If more than one owner, guardian, or keeper is involved in the breeding process, each party must apply for and be granted a breeding permit. (Section 44.1.)

7. Revocation of permit: The Department of Animal Care and Control may, after conducting a hearing, revoke a breeding permit for violations of Sections 42 through 44.5 of the San Francisco Health Code. The owner, guardian or keeper will be subject to the penalties set forth in the breeding permit section. (Section 44.2.)

8. Sale or transfer of pit bull puppies: Any owner, guardian or keeper residing in or conducting a transaction within the City and County of San Francisco who offers any pit bull puppies under six months old for sale, trade, or adoption, must prominently post his/her valid breeding permit number with any offer of sale, trade, or adoption. The permit number must also be supplied in writing to the individual, firm, corporation, or other entity that acquires a puppy. (Section 44.3.)

9. Fines: Fines will be imposed against an owner, guardian or keeper who violates any breeding permit provisions. (Section 44.4.)

10. Allocation of fees and fines: All fees and the City's share of all fines collected under the breeding permit ordinance shall be used only by the Animal Care and Control Department to fund the implementation and enforcement of the pit bull breeding permit program. (Section 44.5.)

11. Exceptions to breeding permit posting requirements: The Department of Animal Care and Control or a valid 501(c)(3) animal welfare and rescue organization that seeks adoptive homes for pit bulls may transfer ownership and place ads without displaying or supplying a permit number. (Section 44.6.)

Background Information

In the wake of the tragic dog mauling and killing of a 12 year old child in San Francisco by two pit bulls, Mayor Gavin Newsom appointed a canine response working group to review and assess potential measures that the City could take to minimize the chances of such attacks occurring in the future. At the urging of the City, Senator Jackie Speier introduced SB 861 to amend California Food and Agricultural Code Section 31683. Currently, Section 31683 does not allow cities and counties to regulate dogs in a manner that is specific to breed. SB 861 has been passed by both the Assembly and the Senate and, if signed by the Governor, will allow cities and counties to pass breed specific spay/neuter and breeding legislation. In anticipation of the passage of SB 861, and at the request of Supervisor Bevan Dufty, the attached Ordinance has been drafted to set forth spay/neuter and breeding permit requirements for all pit bulls in the City and County of San Francisco.