

1 [Feeding of Wild Birds]

2 AMENDING PART II, CHAPTER V OF THE SAN FRANCISCO MUNICIPAL CODE (HEALTH
3 CODE) BY AMENDING SECTION 37 TO PERMIT THE FEEDING OF WILD BIRDS.

4 Note: Additions are underlined; deletions are in ((double parentheses)).

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

6 Section 1. Article 1 of the San Francisco Health Code is hereby amended by amending
7 Section 37, to read as follows:

8 **SEC. 37. KEEPING AND FEEDING OF SMALL ANIMALS, POULTRY AND GAME**

9 **BIRDS.** It shall be unlawful for any person, firm or corporation to keep or feed, or cause to be
10 kept or fed, or permit to be kept or fed, on premises over which any such person, firm or
11 corporation may have control, more than four of the following: Hares, rabbits, guinea pigs,
12 chickens, turkeys, geese, ducks, doves, pigeons, ((parrots, of any species,)) game birds of
13 any species, or cats, within the residential districts. Nothing in this section, however, shall
14 prohibit the feeding of any wild bird not specifically prohibited by this section unless such
15 feeding creates a public health nuisance.

16 (a) **Enclosures.** Any person, firm or corporation, keeping, feeding, or causing to be
17 kept or fed, or permitting to be kept or fed, on premises over which such person, firm or
18 corporation may have control, four or less hares, rabbits, guinea pigs, chickens, turkeys,
19 geese, ducks, doves, pigeons, parrots, of any species, game birds of any species or wild
20 animals of any species, shall keep same in coops or enclosures that are approved by the
21 Director of Public Health. Said coops or enclosures shall be not less than 20 feet from any
22 door or window of any building used for human habitation.

23 If after due investigation, in the opinion of the Director of Public Health, the keeping or
24 feeding of four or less hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves,
25 pigeons, parrots of any species, game birds of any species, wild animals of any species, or

1 cats, is not done in a sanitary manner, the Director of Public Health may serve written notice
2 on the person, firm or corporation or remove same from the premises within 30 days.

3 (b) **Prohibition.** It shall be unlawful for any person, firm or corporation to engage in
4 the business of keeping, feeding, or breeding any hares, rabbits, guinea pigs, chickens,
5 turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species,
6 dogs, cats, for commercial purposes, within the residential districts.

7 (c) **Commercial Purposes.** It is hereby declared to be unlawful to conduct for
8 commercial purposes any establishment in which dogs, cats, hares, rabbits, guinea pigs,
9 chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any
10 species, are kept and maintained in the commercial and industrial districts without first
11 obtaining from the Department of Public Health a permit so to do.

12 No permit shall be issued by the Department of Public Health to any person, firm or
13 corporation, to keep or maintain for commercial purposes any of the above named fowl,
14 animals or birds within the commercial and industrial districts, unless said person, firm or
15 corporation has complied in full with the following requirements:

16 (1) It shall be unlawful to establish hereafter any place of business for the sale of
17 the fowl, animals or birds specified above within 25 feet of any door, window or other opening
18 of any dwelling, apartment house or hotel if live fowl, animals or birds intended for sale are
19 kept therein; provided, however, that this restriction shall not apply if a wall, ceiling, floor or
20 other impermeable barrier between the place of business and such habitation will prevent
21 odors and noise from disturbing the occupants of the habitation. It shall be unlawful to keep
22 said live fowl, animals or birds in any basement, sub-basement or cellar in any place of
23 business unless such basement, sub-basement or cellar is adequately ventilated, as
24 approved by the Director of Public Health and is also adequately lighted, completely
25 ratproofed and complies fully with the sanitary requirements set forth in Section 440, Article 8,

1 Chapter V of this Code.

2 (2) The floors of all such premises must be of waterproof material, smooth and of
3 durable construction properly drained to the sewer. These floor surfaces shall be coved at the
4 juncture of the floor and wall with a $\frac{3}{8}$ -inch minimum radius coving and shall extend up the
5 wall at least four inches.

6 (3) Said premises shall be ratproof, all openings properly fly-screened, and
7 adequate provision must be made for the elimination of all odors.

8 (4) The walls and ceilings of all such premises must be of durable, smooth,
9 nonabsorbent, washable surface, and be light-colored.

10 (5) In all premises where slaughtering of fowl, birds or animals is carried on in
11 connection with the keeping of said fowl, birds or animals, the killing room must be entirely
12 separate from that part of the premises occupied by the live fowl, animals or birds.

13 Refrigerating equipment must be installed for the reception of the dressed fowl, birds or
14 animals, property connected to the sewer. Toilet and lavatory facilities for the use of the
15 employees engaged in the handling and slaughtering of such birds, animals or fowl must be
16 installed in conformity with the provisions of the plumbing law.

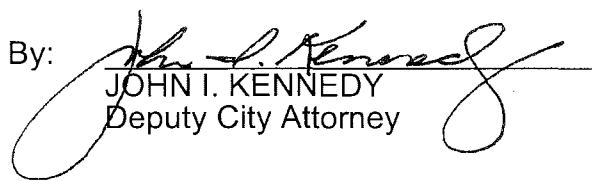
17 (d) **Exceptions.** The terms and provisions of this Section shall not apply to the
18 keeping, liberation for exercise, or racing of homing or carrier pigeons which are not raised or
19 kept for the market or for commercial purposes, and the lofts or pigeons houses wherein said
20 homing or carrier pigeons are kept are elevated at least three feet above the ground or other
21 foundation upon post-legs or pillars completely surrounded or covered by smooth, jointless
22 galvanized sheet metal and within not less than 20 feet from the door or window of any
23 building used for human habitation, and the entire floor and sides for at least two feet
24 extending upwards from the bottom of the floor of said lofts or pigeons houses, are covered or
25 protected by galvanized iron or its equivalent, concrete or 18 gauge wire mesh of not more

1 than 1/2 inch and the interior of said lofts or pigeons houses, wherein such carrier or homing
2 pigeons are kept, are registered by the owners thereof with the Department of Public Health of
3 the City and County of San Francisco, and the said lofts or pigeon houses shall be inspected
4 by the said Department of Public Health of the City and County of San Francisco at least once
5 a year.

6
7 APPROVED AS TO FORM:

8 LOUISE H. RENNE, City Attorney
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10 By:

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12 JOHN I. KENNEDY
13 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: 000335

Date Passed:

Ordinance amending Health Code Section 37 to permit the feeding of wild birds.

July 24, 2000 Board of Supervisors — PASSED, ON FIRST READING

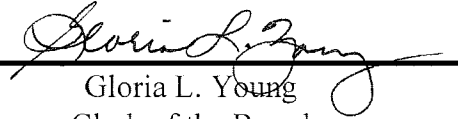
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

July 31, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yee
Absent: 2 - Brown, Yaki

File No. 000335

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on July 31, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

AUG 11 2000

Date Approved



Mayor Willie L. Brown Jr.