

Appeals court gives stray dogs an extra weekday

Bob Egelko, Chronicle Staff Writer

Tuesday, March 30, 2010

(03-29) 16:54 PDT SAN FRANCISCO -- Animal shelters must keep a stray dog for at least four weekdays, not three, before putting it to death, a state appeals court in San Francisco has ruled.

The ruling by the First District Court of Appeal was the first to interpret a 1998 California law that increased the holding periods for public and private shelters. The law, sponsored by then-state Sen. Tom Hayden, requires shelters to hold strays for four business days, if they're open at least one weekend day, or for six business days if they're open only weekdays.

Contra Costa County Animal Services, which keeps its two shelters open Tuesday through Saturday counts Saturday as a business day in deciding how long it has to hold a stray dog for possible retrieval by its owner or adoption by someone else. The appeals court disagreed Friday and said only weekdays can be considered business days under the law.

The ruling means Contra Costa and all other counties and cities with the same policy must keep strays for at least four weekdays, not counting the day the dog was impounded. Corey Evans, an animal-protection lawyer who represented the plaintiffs, said Monday that every local government he's encountered has followed the same practice as Contra Costa.

He said the ruling would also affect state laws that set different holding times for stray cats and other pets.

Deputy County Counsel Stephen Rettig said the county was studying the ruling and declined further comment. The county could appeal to the state Supreme Court.

The case dates from October 2006, when Veena Purifoy's miniature pinscher, Duke, was impounded at a county shelter in Pinole on a Thursday. The shelter held the dog until the following Wednesday, when another person took him.

Purifoy, who lives in Berkeley, went to the shelter the next day. She sued both the county and the new owner, who relinquished Duke in a settlement, Evans said. The suit against the county challenged its claim that the shelter had held the dog for the required four business days - Friday, Saturday, Tuesday and Wednesday.

Overturing a judge's ruling in the county's favor, the appeals court said the state law did not define business days but was clearly intended to increase holding periods from the pre-1998 law, which required a 72-hour hold.



Excluding Saturday as a business day serves "the legislative goal of access, because longer holding periods will often provide more opportunities for redemption and adoption," Justice Martin Jenkins said in the 3-0 ruling.

The ruling in Purifoy vs. Howell can be viewed at links.sfgate.com/ZJLC. E-mail Bob Egelko at begelko@sfchronicle.com.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/03/30/BA8U1CN0C2.DTL>

This article appeared on page **C - 2** of the San Francisco Chronicle

© 2010 Hearst Communications Inc. | [Privacy Policy](#) | [Feedback](#) | [RSS Feeds](#) | [FAQ](#) | [Site Index](#) | [Contact](#)