

TOWN OF FAIRFAX STAFF REPORT

TO: Mayor, Members of the Town Council **DATE:** July 11, 2012
FROM: Judy Anderson, Interim Town Manager/Town Clerk
SUBJECT: Adoption of Urgency Ordinance No. 767, an Ordinance of the Town Council of the Town of Fairfax to set Animal Control Fees

Recommendation

1. Motion to waive further reading and read the title only of Urgency Ordinance No. 767, an Ordinance of the Town Council of the Town of Fairfax to set Animal Control Fees
2. Motion to adopt Urgency Ordinance No. 767, an Ordinance of the Town Council of the Town of Fairfax to set Animal Control Fees

Discussion

All the towns and cities in Marin are part of the JPA with the County of Marin to provide animal services and have been asked to adopt revised fees as reflected in the recently adopted County ordinance. We have adopted animal control fees by ordinance in the past. The fees are effective July 1, 2012 creating the urgency for the Town of Fairfax and the need for Ordinance U-767.

Fiscal Impact

Will provide an increase to revenue.

AGENDA ITEM # 18

ORDINANCE NO. U-767

AN URGENCY ORDINANCE ADOPTING BY REFERENCE A REVISED ANIMAL CONTROL ORDINANCE FEE SCHEDULE, MARIN COUNTY ORDINANCE NO. 3582 AND DECLARING THE URGENCY THEREOF

THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

Section 1: **Section 1. Urgency Findings.**

The Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, it is appropriate to adopt the REVISED ANIMAL CONTROL ORDINANCE FEE SCHEDULE, MARIN COUNTY ORDINANCE NO. 3582 (the "Revised County Fee Schedule"). The Town, pursuant to a joint powers agreement with Marin County (the "County") and other jurisdictions, uses the services of the Marin Humane Society (the "Society") to provide animal control services. The Revised County Fee Schedule took effect in other jurisdictions on July 1, 2012, but under the Town Code, cannot take effect in Fairfax until the Town Code is amended. Failure of the Town to adhere to the Revised County Fee Schedule would be inconsistent with the County's contract with the Society, which could result in the failure of the Society to be obligated to provide services in Fairfax. The Town Council hereby finds that the absence of available animal control services would be an immediate threat to the health and safety in the Town, and therefore it is necessary for this Ordinance take effect immediately.

Section 2. Municipal Code Amended:

Chapter 6.04.040 is hereby added to the Fairfax Town Code to read as follows:

"Chapter 6.04.040. Amendments-Revised Animal Control Fee Schedule, Marin County Ordinance No. 3582

Pursuant to Section 50022.9 of the California Government Code, the amendments to the Marin County Code adopting a revised animal control ordinance fee schedule, which amendments are contained in Ordinance No. 3582, adopted on May 22, 2012, by the Marin County Board of Supervisors, are adopted by reference and shall be in force and effect within the Town."

Section 3. Effectiveness:

This Ordinance, being an Urgency Ordinance adopted for the immediate protection of the public safety and health, containing a declaration of the facts constituting the urgency, and passed by a minimum four-fifths (4/5) vote of the Town Council, shall take effect immediately upon its adoption.

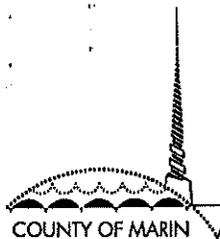
The foregoing ordinance was duly adopted at a regular meeting of the Fairfax Town Council, held in said Town on the 11th day of July, 2012, by the following vote, to wit:

AYES:
NOES:
ABSENT:

MAYOR PAM HARTWELL-HERRERO

Attest:

Judy Anderson, Town Clerk



OFFICE OF THE
COUNTY ADMINISTRATOR

Matthew H. Hymel
COUNTY ADMINISTRATOR

May 22, 2012

Mona Miyasato
CHIEF ASSISTANT
COUNTY ADMINISTRATOR

Board of Supervisors
County of Marin
Room 329, Civic Center
San Rafael, CA 94903



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www.marincounty.org/cao

SUBJECT: Adoption of Proposed Animal Control Ordinance Revisions

Dear Board Members:

RECOMMENDATION: Request from the County Administrator to:

- 1) Conduct Merit Hearing for Proposed Animal Control Ordinance Revisions
- 2) Adopt Proposed Animal Control Ordinance Revisions

SUMMARY:

The County Administrator's Office is proposing adoption of a revised Animal Control Ordinance (Title 8 of the Marin County Code) fee schedule. In April of 2012, staff conducted a survey of neighboring jurisdictions such as San Mateo, San Francisco, Contra Costa, and Berkeley, and determined that increases to Marin's fee schedule are both appropriate and consistent with these other jurisdictions. Additionally, the Marin Humane Society has confirmed that the proposed fee increases do not exceed the cost of providing the associated services. Finally, City/Town Managers were presented with the revised fees during a regularly scheduled meeting on April 24, 2012 and are in agreement with the proposed changes. The last Animal Control fee increase was in 2009.

FISCAL IMPACT: Anticipated annual revenue increase is estimated to be \$29,000 for the County and \$71,000 for Marin cities/towns.

REVIEWED BY:	<input type="checkbox"/> Department of Finance	<input checked="" type="checkbox"/> N/A
	<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
	<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

Respectfully submitted,

Matthew H. Hymel
County Administrator

MHH/lcd
Attachment

ORDINANCE NO. U-766

AN URGENCY ORDINANCE ADOPTING BY REFERENCE A REVISED ANIMAL CONTROL ORDINANCE FEE SCHEDULE, MARIN COUNTY ORDINANCE NO. 766 AND DECLARING THE URGENCY THEREOF

THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

Section 1: **Section 1. Urgency Findings.**

The Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, it is appropriate to adopt the REVISED ANIMAL CONTROL ORDINANCE FEE SCHEDULE, MARIN COUNTY ORDINANCE NO. 3582 (the "Revised County Fee Schedule"). The Town, pursuant to a joint powers agreement with Marin County (the "County") and other jurisdictions, uses the services of the Marin Humane Society (the "Society") to provide animal control services. The Revised County Fee Schedule took effect in other jurisdictions on July 1, 2012, but under the Town Code, cannot take effect in Fairfax until the Town Code is amended. Failure of the Town to adhere to the Revised County Fee Schedule would be inconsistent with the County's contract with the Society, which could result in the failure of the Society to be obligated to provide services in Fairfax. The Town Council hereby finds that the absence of available animal control services would be an immediate threat to the health and safety in the Town, and therefore it is necessary for this Ordinance take effect immediately.

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AYES:
NOES:
ABSENT:

MAYOR PAM HARTWELL-HERRERO

Attest:

Judy Anderson, Town Clerk

ORDINANCE NO. 3582
ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
ESTABLISHING INCREASED IN FEES COLLECTED FOR ANIMAL CONTROL SERVICES
CODIFIED IN CHAPTER 8.04 OF TITLE 8 OF THE MARIN COUNTY CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Fees for the various services provided under Marin County Code Title 8, Chapter 8.04 as described and identified below (all code references are to sections of the Marin County Code) are hereby amended to read as follows and shall become operative upon all parties to the Joint Powers Agreement for the implementation of county-wide animal control services adopting said fees. Said event shall be memorialized by the Board's adoption of a resolution implementing the new fees authorized hereunder. Until that resolution is adopted, the County's current fees (as set forth below within brackets) shall remain in full force and effect. All cost pass-through policies, delinquent charges and discount policies are intended to continue unchanged and will remain in full force and effect prior to resolution adoption as well as thereafter.

Fee Category	[Existing Fee]	New Fee
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DOG LICENSE FEES ESTABLISHED UNDER 8.04.060 FOR A:

Sterilized Dog

For a one year license	[\$16.00]	\$19
For a two year license	[\$24.00]	\$26
For a three year license	[\$34.00]	\$35

Unsterilized Dog

For a one year license	[\$45.00]	\$50
For a two year license	[\$55.00]	\$59
For a three year license	[\$77.00]	\$80

DELINQUENT DOG LICENSE FEES ESTABLISHED UNDER 8.04.070	[\$40.00]	\$50
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DUPLICATE LICENSE TAG FEE ESTABLISHED UNDER 8.04.080	[\$5.00]	\$10
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REDEMPTION FEES (IMPOUND FEES) ESTABLISHED UNDER 8.04.140 AND 8.04.150 FOR A:

Sterilized Animal

upon a first impoundment during a 12 month period	[\$60.00]	\$65.00
upon a second impoundment during a 12 month period	[\$85.00]	\$90.00
upon a third impoundment during a 12 month period	[\$100.00]	\$110.00
upon a fourth impoundment during a 12 month period	[\$135.00]	\$150.00
upon subsequent impoundment during a 12 month period	[\$210.00]	\$230.00

Unsterilized Animal

upon a first impoundment during a 12 month period	[\$85.00]	\$95.00
upon a second impoundment during a 12 month period	[\$130.00]	\$145.00
upon a third impoundment during a 12 month period	[\$150.00]	\$165.00
upon a fourth impoundment during a 12 month period	[\$175.00]	\$200.00
upon subsequent impoundment during a 12 mo. Period	[\$225.00]	\$260.00

DEAD DOG, CAT AND SMALL HOUSEHOLD PET REMOVAL FEES ESTABLISHED UNDER 8.04.195

	[\$50.00]	\$75.00
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DEAD WILDLIFE REMOVAL FEES ESTABLISHED UNDER 8.04.195

for removal & disposition of dead wildlife under 50 lbs.	[\$50.00]	\$75.00 [†]
for removal & disposition of dead wildlife 50 lbs. & over	[\$90.00]	\$125.00 [†]

BOARDING FEES FOR QUARANTINED OR IMPOUNDED ANIMALS ESTABLISHED UNDER 8.04.050 AND 8.04.150

Sterilized Animals

Charge for boarding a sterilized dog per day	[\$20.00]	\$22.00
Charge for quarantining a sterilized dog per day	[\$30.00]	\$35.00
Charge for boarding a sterilized cat per day	[\$12.00]	\$14.00
Charge for quarantining a sterilized cat per day	[\$28.00]	\$30.00

Unsterilized Animals

Charge for boarding an unsterilized dog per day	[\$32.00]	\$35.00
Charge for quarantining an unsterilized dog per day	[\$35.00]	\$40.00
Charge for boarding an unsterilized cat per day	[\$18.00]	\$21.00
Charge for quarantining an unsterilized cat per day	[\$32.00]	\$37.00

Animals other than dogs and cats that need to be boarded due to quarantine or impound shall be charged for said services at the same rate as those for cats for the status of the animal and category of services described.

All veterinary fees associated with veterinary care provided to any animals in the Animal Services Agency's care pursuant hereto shall be directly recoverable as a charge pursuant to this ordinance.

Payment is delinquent if not received within 60 days. In the event that payment is not received within 60 days, a delinquency charge equaling the amount of the invoice shall be assessed. For each additional month of delinquency, another twenty percent penalty charge shall be assessed.

POTENTIALLY DANGEROUS/VICIOUS DOG PERMITS ESTABLISHED UNDER 8.04.181

Potentially Dangerous the charge for annual record keeping pursuant to 8.04.181(e)(15)(i)	[\$125.00]	\$250.00
Vicious Dog the charge for annual record keeping pursuant to 8.04.181(e)(16)(i)	[\$250.00]	\$500.00

**HOBBYIST & RANCH DOG FEES ESTABLISHED UNDER
8.04.245 & 8.04.246**

Dog Hobbyist Permit the charge for issuance of each dog hobbyist permit	[\$125.00]	\$250.00
Ranch Dog Permit the charge for issuance of each ranch dog permit	[\$125.00]	\$250.00

The issuance of a dog hobbyist or ranch dog permit includes provision of an individual license for each dog harbored under the permit at no additional charge.

**EXHIBIT FEE & COMMERCIAL ANIMAL ESTABLISHMENT
ESTABLISHED UNDER 8.04.230 AND 8.04.240**

Animal Exhibition Fee the charge for timely processing of unwaived exhibit fee	[\$250.00]	\$500.00
Commercial Animal Establishment Fee for an annual permit & for timely renewals	[\$200.00]	\$450.00
Delinquency charge assessed for late renewal of an expired permit	[\$50.00]	\$75.00
Additional charge assessed for every calendar month of said delinquency	[\$40.00]	\$50.00

**STRAY LIVESTOCK CHARGES ESTABLISHED PURSUANT TO
8.04.220**

Equine and Bovine (over 6 mo.) charge for securing and keeping (per day)	[\$100.00]	\$200.00
	[\$40.00]	\$75.00
Equine and Bovine (6 mo. & under) & sheep, lamb, goat, hogs, etc. charge for securing and keeping (per day)	[\$50.00]	\$100.00
	[\$20.00]	\$30.00
Herding Fee the charge per hour or any fraction thereof for return of an animal that has strayed	[\$40.00]	\$100.00

All costs incurred by County in connection with such animals shall be a pass-through to the animal owner, including, but not limited to, the cost of herding, advertising, transporting, drugs, and veterinary services.

**SENIOR CITIZEN, BLIND OR DISABLED PERSON'S DISCOUNT
ON SPECIFIED FEES PURSUANT TO 8.04.255**

Dog license Fees (any duration) discount from listed fees	25% discount	25% discount
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* Increased fees denoted in bold font

† Said removal and disposition fees shall be chargeable to the property owner where the dead wildlife is found.

SECTION II. This ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

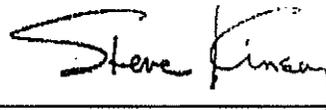
SECTION III. Effective Date. This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same in the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 22nd day of May, 2012, by the following vote:

AYES: SUPERVISORS Katie Rice, Susan L. Adams, Judy Arnold, Kathrin Sears, Steve Kinsey

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK