TOWN OF FAIRFAX
STAFF REPORT

TO: **Mayor, Members of the Town Council** **DATE:** **August 1, 2012**

FROM: **Judy Anderson, Interim Town Manager/Town Clerk**

SUBJECT: Second Reading and Adoption of Ordinance No. 768, an Ordinance of the Town Council of the Town of Fairfax to set Animal Control Fees and to establish a process to adopt future fees by Council resolution

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Recommendation

1. Motion to waive further reading and read the title only of Ordinance No. 768, an Ordinance of the Town Council of the Town of Fairfax to set Animal Control Fees and to establish a process to adopt future fees by Council resolution
2. Motion to adopt Ordinance No. 768, an Ordinance of the Town Council of the Town of Fairfax to set Animal Control Fees and to establish a process to adopt future fees by Council resolution

Discussion

At the last meeting, the Council adopted an Urgency Ordinance to allow a raise in Animal Control fees to be effective in July. At the same time, the Council introduced Ordinance 768, to adopt the fees but also to establish a process to adopt future fess for animal control services by resolution of the Council. This ordinance, if adopted, will go into effect in thirty days.

Fiscal Impact

Will provide an increase to revenue.

Attachments

Ordinance No. 768
Marin County Staff Report and Ordinance No. 3582

AGENDA ITEM # 7

ORDINANCE NO. 768

AN ORDINANCE OF THE TOWN OF FAIRFAX ADOPTING BY REFERENCE A REVISED ANIMAL CONTROL ORDINANCE FEE SCHEDULE, MARIN COUNTY ORDINANCE NO. 3582

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

Section 1: Chapters 6.04.040 and 6.04.042 are 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. 3532

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."

"Chapter 6.04.042. Revisions to Animal Control Fee Schedule

The Town Council may revise the Animal Control Fee Schedule from time to time by passage of a Resolution to the extent such action is then permitted by state law and any applicable joint powers agreements with Marin County."

Section 2. Copies of the foregoing ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit:

1. Bulletin Board, Town Hall offices;
2. Bulletin Board, Fairfax Post Office;
3. Bulletin Board, Fairfax Women's Club building;

which places are designated for that purpose. This ordinance shall be in full force and effect thirty days from and after its final passage and adoption.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the Fairfax Town Council, held in said Town on the 11th day of July, 2012, and thereafter adopted at a regular meeting of the Town Council, held in said Town on the 1st day of August, 2012, by the following vote, to wit:

AYES:
NOES:

MAYOR PAM HARTWELL-HERRERO

Attest:

Judy Anderson, Town Clerk

COUNTY OF MARIN

OFFICE OF THE
COUNTY ADMINISTRATOR

Matthew H. Hymel
COUNTY ADMINISTRATOR

Mona Miyasato
CHIEF ASSISTANT
COUNTY ADMINISTRATOR

Marin County Civic Center
3501 Civic Center Drive
Suite 325
San Rafael, CA 94903
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CRS Dial 711
www.marincounty.org/cao

May 22, 2012

APPROVED
MAY 22 2012
MARIN COUNTY
BOARD OF SUPERVISORS

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

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:		
	[ ] Department of Finance	[X] N/A
	[X] County Counsel	[ ] N/A
	[ ] Human Resources	[X] N/A

Respectfully submitted,

Matthew H. Hymel
County Administrator

MHH/lcd
Attachment

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 be come 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**
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
DUPLICATE LICENSE TAG FEE ESTABLISHED UNDER 8.04.080	[$5.00]	$10
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
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	[$100.00]	$200.00
and keeping (per day)	[$40.00]	$75.00
Equine and Bovine (6 mo. & under) & sheep, lamb, goat, hogs, etc. charge for securing	[$50.00]	$100.00
and keeping (per day)	[$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

* 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 ordinace 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**

Steve Kinsey

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK