

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

From: Michael Rock, Town Manager 
Judy Anderson, Town Clerk

Date: March 3, 2010

Subject: Second Reading and Adoption of Ordinance No. 749, an Ordinance of the Town Council of the Town of Fairfax, adopting by reference a revised Animal Control Ordinance Fee Schedule, Marin County Ordinance No. 3532

RECOMMENDATION

Staff recommends that the Town Council waive further reading and adopt Ordinance No. 749 adopting by reference a revised Animal Control Ordinance Fee Schedule, Marin County Ordinance No. 3532

DISCUSSION

The Marin Humane Society provides animal control services to the towns and cities of Marin and each jurisdiction contributes to the cost of the service provided. Adoption of this ordinance and the increased fees charged will stabilize the cost to the Town for animal control services.

FISCAL IMPACT

There will be no cost increase to the Town because the increased revenue from the higher fees will stabilize the cost to the Town for animal control. Residents will be paying higher fees.

ATTACHMENT

1. Ordinance No. 749
2. Marin County Ordinance 3532 and related staff report

ORDINANCE NO. 749

AN ORDINANCE OF THE TOWN OF FAIRFAX ADOPTING BY REFERENCE A REVISED ANIMAL CONTROL ORDINANCE FEE SCHEDULE, MARIN COUNTY ORDINANCE NO. 3532

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

Section 1: Chapter 6.04.038 is hereby added to the Fairfax Town Code to read as follows:

"Chapter 6.04.038. 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. 3532, adopted on December 15, 2009, by the Marin County Board of Supervisors, are adopted by reference and shall be in force and effect within the Town."

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 3rd day of February, 2010, and thereafter adopted at a regular meeting of the Town Council, held in said Town on the 3rd day of March, 2010, by the following vote, to wit:

AYES:

NOES:

MAYOR LEW TREMAINE

Attest:

Judy Anderson, Town Clerk

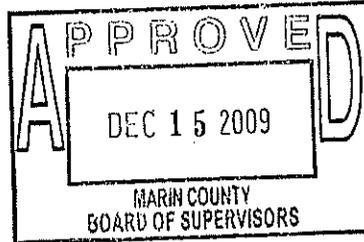
COUNTY OF MARIN
OFFICE OF THE ADMINISTRATOR

3501 CIVIC CENTER DRIVE, SUITE 325, SAN RAFAEL, CA 94903

415/499-6358 - FAX 415/507-4104

December 15, 2009

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



Matthew H. Hymel
County Administrator

Mona Miyasato
Chief Assistant
County Administrator

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 March of 2009, staff conducted a survey of neighboring jurisdictions such as San Mateo, Contra Costa, Napa, 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 fee schedule via email memorandum on April 3, 2008 and are in agreement with the proposed changes. The last Animal Control fee increase was in 2003.

FISCAL IMPACT: Anticipated annual revenue increase is estimated to be \$33,428 for the County and \$77,998 for Marin cities/towns.

REVIEWED BY: Department of Finance N/A
 County Counsel N/A
 Human Resources N/A

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "M. Hymel".

Matthew H. Hymel
County Administrator

MHH/lcd
Attachment

ORDINANCE NO. 3532

**ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
ESTABLISHING INCREASES 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 I. Fees for the various services provided under Marin County Code 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*
DOG LICENSE FEES ESTABLISHED UNDER 8.04.060 FOR A:		
<u>Sterilized Dog</u>		
For a one year license	[\$12.00]	\$16.00
For a two year license	[\$18.00]	\$24.00
For a three year license	[\$24.00]	\$34.00
<u>Unsterilized Dog</u>		
For a one year license	[\$36.00]	\$45.00
For a two year license	[\$50.00]	\$55.00
For a three year license	[\$70.00]	\$77.00
DELINQUENT DOG LICENSE FEES ESTABLISHED UNDER 8.04.070	[\$30.00]	\$40.00
DUPLICATE LICENSE TAG FEE ESTABLISHED UNDER 8.04.080	[\$2.00]	\$5.00
REDEMPTION FEES (IMPOUND FEES) ESTABLISHED UNDER 8.04.140 AND 8.04.150 FOR A:		
<u>Sterilized Animal</u>		
upon a first impoundment during a 12 month period	[\$50.00]	\$60.00
upon a second impoundment during a 12 month period	[\$75.00]	\$85.00
upon a third impoundment during a 12 month period	[\$100.00]	\$100.00
upon a fourth impoundment during a 12 month period	[\$125.00]	\$135.00
upon subsequent impoundment during a 12 month period	[\$200.00]	\$210.00
<u>Unsterilized Animal</u>		
upon a first impoundment during a 12 month period	[\$60.00]	\$85.00
upon a second impoundment during a 12 month period	[\$85.00]	\$130.00
upon a third impoundment during a 12 month period	[\$110.00]	\$150.00
upon a fourth impoundment during a 12 month period	[\$135.00]	\$175.00
upon subsequent impoundment during a 12 mo. Period	[\$210.00]	\$225.00

Fee Category	[Existing Fee]	New Fee
DEAD DOG, CAT AND SMALL HOUSEHOLD PET REMOVAL FEES ESTABLISHED UNDER 8.04.195	[\$40.00]	\$50.00
DEAD WILDLIFE REMOVAL FEES ESTABLISHED UNDER 8.04.195		
for removal & disposition of dead wildlife under 50 lbs.	[\$40.00]	\$50.00 [†]
for removal & disposition of dead wildlife 50 lbs. & over	[\$75.00]	\$90.00 [†]
BOARDING FEES FOR QUARANTINED OR IMPOUNDED ANIMALS ESTABLISHED UNDER 8.04.050 AND 8.04.150		
<u>Sterilized Animals</u>		
Charge for boarding a sterilized dog per day	[\$20.00]	\$20.00
Charge for quarantining a sterilized dog per day	[\$22.00]	\$30.00
Charge for boarding a sterilized cat per day	[\$10.00]	\$12.00
Charge for quarantining a sterilized cat per day	[\$18.00]	\$28.00
<u>Unsterilized Animals</u>		
Charge for boarding an unsterilized dog per day	[\$30.00]	\$32.00
Charge for quarantining an unsterilized dog per day	[\$32.00]	\$35.00
Charge for boarding an unsterilized cat per day	[\$15.00]	\$18.00
Charge for quarantining an unsterilized cat per day	[\$20.00]	\$32.00

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)	[\$50.00]	\$125.00
Vicious Dog the charge for annual record keeping pursuant to 8.04.181(e)(16)(i)	[\$100.00]	\$250.00

HOBBYIST & RANCH DOG FEES ESTABLISHED UNDER 8.04.245 & 8.04.246

Dog Hobbyist Permit the charge for issuance of each dog hobbyist permit	[\$100.00]	\$125.00
Ranch Dog Permit the charge for issuance of each ranch dog permit	[\$100.00]	\$125.00

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	[\$200.00]	\$250.00
Commercial Animal Establishment Fee for an annual permit & for timely renewals	[\$200.00]	\$200.00
Delinquency charge assessed for late renewal of an expired permit	[\$40.00]	\$50.00
Additional charge assessed for every calendar month of said delinquency	[\$40.00]	\$40.00

**STRAY LIVESTOCK CHARGES ESTABLISHED PURSUANT TO
8.04.220**

Equine and Bovine (over 6 mo.) charge for securing and keeping (per day)	[\$50.00]	\$100.00
	[\$20.00]	\$40.00
Equine and Bovine (6 mo. & under) & sheep, lamb, goat, hogs, etc. charge for securing and keeping (per day)	[\$35.00]	\$50.00
	[\$12.00]	\$20.00
Herding Fee the charge per hour or any fraction thereof for return of an animal that has strayed	[\$35.00]	\$40.00

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 15th day of December 2009, by the following vote:

AYES: SUPERVISORS Susan L. Adams, Charles McGlashan, Judy Arnold,
Harold C. Brown, Jr.

NOES: NONE

ABSENT: SUPERVISOR Steve Kinsey



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK