COUNTY OF MARIN

OFFICE OF THE
COUNTY ADMINISTRATOR

Matthew H. Hymel
COUNTY ADMINISTRATOR

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May 8, 2012

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

**SUBJECT:** Conduct a first reading of proposed Animal Control Ordinance fee increases

Dear Board Members:

**RECOMMENDATION:** Request from the County Administrator to:

1) Conduct first reading, by title only, of proposed revisions to the Animal Control Ordinance, Chapter 8.04 of Title 8 of the Marin County Code

2) Schedule a merit hearing on May 22, 2012

**SUMMARY:**

The County Administrator's Office is proposing a first reading 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. 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 on April 24, 2012 and are in agreement with the proposed changes. The last Animal Control fee increase was in 2009.

**FISCAL IMPACT:**

Once adopted by all of the members of the Animal Control J.P.A., the anticipated annual revenue increase is estimated to be $29,000 for the County and $71,000 for Marin cities/towns.

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| **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

## HEARING NOTICE AND SUMMARY ORDINANCE

NOTICE IS HEREBY GIVEN The Board of Supervisors of the County of Marin will conduct a public hearing on Tuesday, May 8, 2012 at 10:30 a.m.during its regular meeting in Room 330 of the Marin County Civic Center to consider adoption of the proposed ordinance herein summarized.

AN ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS AMENDING TITLE 8, CHAPTER 8.04 OF MARIN COUNTY CODE ESTABLISHING NEW ANIMAL CONTROL FEES.

A copy of the full text of the proposed Ordinance is available for public review and copying in the Office of the Clerk of the Board of Supervisors (Room 329 – Administration Building of the Marin County Civic Center) 3501 Civic Center Drive, San Rafael, California.

Comments on the proposed Ordinance may be received prior to the hearing by delivery to the Clerk of the Board of Supervisors or may be presented at the public hearing.

**ORDINANCE NO. _____**

**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: | | |
| <u>Sterilized Dog</u> | | |
| For a one year license | [$16.00] | $19 |
| For a two year license | [$24.00] | $26 |
| For a three year license | [$34.00] | $35 |
| <u>Unsterilized Dog</u> | | |
| 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: | | |
| <u>Sterilized Animal</u> | | |
| 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 |

| | | |
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| 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.

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| 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 |

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| 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.

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| 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 |

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| 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.

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| 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 ____ day of _____, 2012, by the following vote:

**AYES: SUPERVISORS**

**NOES: SUPERVISORS**

**ABSENT: SUPERVISORS**

_____

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

_____

CLERK