



Agenda Item No. 18.

Staff Report

Date: June 14, 2018

To: Mayor Robbins and Council Members

From: Joe Chinn, Town Manager

Subject: Consideration of Adoption of Ordinance No. 690 Amending Chapter 8.04 Animal Control Law

Recommendation

Council to hold a public hearing and adopt Ordinance No. 690 to amend Ross Municipal Code Chapter 8.04 (Animal Control) to adopt by reference the Marin County Animal Services Ordinance.

Background and Discussion

At the May 10, 2018 Town Council meeting, the Council introduced the first reading of Ordinance No. 690 to amend the Ross Municipal Code Chapter 8.04 to adopt by reference the Marin County Animal Services Ordinance, and called a public hearing for June 14 to consider the adoption of Ordinance No. 690.

The Town of Ross complies with its obligations under state law regarding animal control services by participating in a joint exercise of powers agreement with the County of Marin. The County has this same arrangement with all cities and towns within the County. The County issues licenses and collects all fees and other charges related to the animal control services program. The cost for animal control services is shared among the County and all of the cities and towns with a portion of costs paid from the animal control fees and other charges. The cost is shared 30% by the County and 70% apportioned between the Marin cities and towns. The County contracts with the Marin Humane (MH) Society to provide animal control services for the County and the cities and towns in the County.

A new three-year agreement with MH was negotiated by representatives from the County Administrator's Office, the Larkspur City Manager, the Ross Town Manager, and the Executive Officer of the Marin General Services Agency. The Marin Managers Association (MMA) agreed to the provisions of the agreement, which was then approved by the Marin County Board of

Supervisors on March 27, 2018. The new agreement includes contract increases for the annual payment over the previous year of 4% in fiscal year 2018-19, 3% in 2019-20, and 2% in 2020-21. The increases will be used by MH to address staffing costs, make improvements to technology, including implementing a new dispatching software module, and improving an aging stray animal facility. The group also agreed to increase the Marin animal service fees, which had not been increased since 2012, after conducting a fee study of neighboring county fees and that MH confirmed do not exceed the cost of providing the associated services.

The JPA requires each city and town to adopt and maintain an animal control ordinance that is identical to the County's animal control ordinance. MH recommended changes to the Animal Control Ordinance to be consistent with State law and clarify other sections of the Ordinance. Based on these recommendations, the County recently amended its animal control ordinance to reflect recent changes in state law regarding dangerous and vicious dogs and to update provisions related to rabies vaccinations and exotic animals. The County also updated its fees and other charges for animal control services. These changes require the Town to amend Chapter 8.04 of the Town of Ross Municipal Code, as required by the joint exercise of powers agreement. The Ordinance only goes into effect once the County and all member cities and towns of the JPA adopt the ordinance in their jurisdictions to ensure uniform MH enforcement countywide.

As an alternative to periodically amending the Ross Municipal Code to keep pace with changes to the County ordinance, staff is recommending that the Town adopt the County animal control ordinance by reference. The California Government Code authorizes and provides a process for cities and towns to adopt state and county codes by reference. The process differs from a typical Town ordinance in that it requires a noticed public hearing after the introduction and first reading of the ordinance. Also, a certified copy of the County's ordinance must be filed with the Town Clerk at least 15 days before the public hearing. Following the public hearing, the Town Council may consider and adopt the County's ordinance by reference.

The attached ordinance deletes the current provisions in the Ross Municipal Code, which reflect the County's now outdated ordinance, and adopts by reference the current County animal control ordinance. The attached ordinance also preserves several provisions in the Ross Municipal Code, which are specific to Ross and are not found in the County ordinance. Namely, the attached ordinance preserves the prohibition against dogs on the Ross Commons and preserves a prohibition against allowing animals to defecate on public property. The attached ordinance also authorizes the Town Council to adopt the required animal control fees by resolution. Staff will present a fee resolution to the Town Council for its consideration after the public hearing and adoption of the attached ordinance.

Fiscal, resource and timeline impacts

The ordinance does not create any additional costs to the Town other than the time to prepare the ordinance and staff report. In the future, the time and cost of amending the Town Codes related to changes in the County animal control ordinance will be lower since we will be adopting the County ordinance by reference.

Alternative actions

Under the JPA, the Town is required to match the provisions of the Marin County Animal Control Ordinance which could be done by reference or by adopting the exact same language as the County – the end effect is the same.

Environmental review (if applicable)

Not applicable

Attachments:

- Ordinance No. 690
- County of Marin staff report amending the Animal Control Ordinance

TOWN OF ROSS

ORDINANCE NO. 690

AN ORDINANCE OF THE TOWN OF ROSS AMENDING CHAPTER 8.04 OF TITLE 8 OF THE ROSS MUNICIPAL CODE BY DELETING IN THEIR ENTIRETY SECTIONS 8.04.010 THROUGH 8.04.160 AND SECTIONS 8.04.175 THROUGH 8.04.260, BY ENACTING SECTION 8.04.010 TO ADOPT THE MARIN COUNTY ANIMAL SERVICES ORDINANCE, AS SET FORTH IN CHAPTER 8.04 OF TITLE 8 OF THE MARIN COUNTY CODE, AND BY ENACTING SECTION 8.04.020 TO AUTHORIZE CERTAIN FEES

The Ross Town Council does hereby ordain as follows:

SECTION 1. The following Sections of the Ross Municipal Code are hereby repealed in their entirety: Sections 8.04.010 through 8.04.160 and Sections 8.04.175 through 8.04.260.

SECTION 2. Section 8.04.010 is hereby enacted to read as follows:

"8.04.010 Adoption of Marin County Code. Pursuant to Section 50022.9 of the California Government Code, the Marin County animal services ordinance, as set forth in Chapter 8.04 of Title 8 of the Marin County Code, as may be amended from time to time, is adopted by reference, and shall be in full force and effect within the Town of Ross."

SECTION 3. Section 8.04.020 is hereby enacted to read as follows:

"8.04.020 Fees. The Town Council may adopt by resolution the fees authorized by this Chapter and any such other fees to recover the cost of providing services pursuant to this Chapter."

SECTION 4. Section 8.04.030 is hereby enacted to read as follows:

"8.04.030 Animal Feces. No owner or person having charge, custody or control of any animal shall permit such animal to defecate on any public property, either willfully or through failure to exercise due care to control, unless the person immediately removes and disposes of the feces in a sanitary manner."

SECTION 5. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1 of the law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. If any section or provision of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 7. This Ordinance shall be effective 30 days following its adoption by the Town Council. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof as provided in California Government code Section 36933, shall be posted in at least three public places in the Town of Ross, along with the names of the members of the Town Council voting for and against its passage.

The foregoing ordinance was introduced at a regular meeting of the Town Council of the Town of Ross held on the 10th day of May, 2018 and was adopted at the regular meeting of the Ross Town Council held on the 14th day of June, 2018 by the following vote of the Council:

AYES:

NOES:

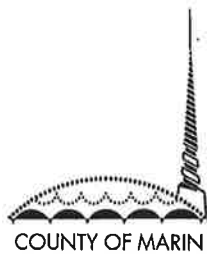
ABSENT:

ABSTAIN:

Elizabeth Robbins, Mayor

ATTEST:

Linda Lopez, Town Clerk



OFFICE OF THE
COUNTY ADMINISTRATOR

March 27, 2018

Matthew H. Hymel
COUNTY ADMINISTRATOR

Daniel Eilerman
ASSISTANT COUNTY
ADMINISTRATOR

Angela Nicholson
ASSISTANT COUNTY
ADMINISTRATOR

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Summary of Recommended Animal Control Ordinance (Section 8) Changes

Dear Board Members:

RECOMMENDATION:

- 1) Consider proposed revisions to the Animal Control Ordinance, Chapter 8.04 of Title 8 of the Marin County Code

SUMMARY:

Animal Control Ordinance, Chapter 8.04 of Title 8 Proposed Changes

Marin County is recognized as a leader in promulgating ordinances that protect animals from cruelty, neglect and abuse in addition to encouraging responsible pet guardianship. Historically during negotiations with Marin Humane (MH), the parties discuss any needed or desired changes to the Animal Control Ordinance in the Marin County Code to further these values or to clarify language in the Ordinance.

The recommended changes are noted in the attached Draft Ordinance. The following is a summary of the proposed changes:

- **8.04.181; Potentially dangerous and vicious dogs** – The change in this section is required in order to be consistent with a recent change in State law. The revision removes dogs that were identified in convicted dog fighting cases as automatically being defined as "dangerous" without a hearing. MH advises that this has never been at issue in Marin previously, but the technical change is recommended to be consistent with State law.
- **8.04.040 and 8.04.050; Rabies vaccinations - Veterinarian reporting requirements** – There are a couple of changes proposed in this Section. The first would give veterinary hospitals and clinics additional time, increasing the deadline from 10 days to 30 days, to comply with rabies vaccine reporting requirements. The extended period may help increase compliance among Marin County veterinary clinics and hospitals.

Another proposed change to 8.04.050 would establish home bite quarantine fees as part of the County's general fee schedule. This is recommended as a cleanup item to be consistent with how other County fees are managed.

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- **8.04.182 – 8.04.184; and 8.04.230; Exotic Animals** – There is a growing national trend to not use exotic animals for entertainment and education. The

changes proposed by MH expand the list of prohibited wild and undomesticated animals allowed to be kept in Marin, as well as limiting those organizations that can exhibit exotic animals. The purpose of the changes includes the protection of public health and safety, protecting and recognizing the unique needs wild or exotic animals have, reducing inhumane training techniques, and decreasing the amount of administrative effort it takes to research and enforce specialized permit applications. The recommended changes will have no effect upon organizations qualified to handle wildlife, for instance the Marine Mammal Center in West Marin.

If adopted by the Board, the ordinance would only go into effect once all member cities and towns of the Marin Animal Services JPA adopt the ordinance in their jurisdictions to ensure uniform MH enforcement countywide.

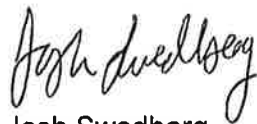
FISCAL IMPACT:

There are no additional costs for the administration or enforcement of this ordinance, and we anticipate no or minimal impact on any businesses located in Marin.

Marin City and Town Managers were presented a summary of the tentative contract, ordinance changes, and fee increases at its meeting of January 25, 2018 and are in agreement with the proposal as recommend.

Please let me know if you have any questions or concerns.

Sincerely,



Josh Swedberg
Management & Budget Analyst

Reviewed by,



Matthew Hymel
County Administrator

cc: City/Town Managers
Marin Humane Society
Marin General Services Authority