

**PUBLIC HEARING**

**BELVEDERE CITY COUNCIL  
JUNE 11, 2018**

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To: Mayor and City Council

From: Alison Foulis, City Clerk

**Subject: Adoption an ordinance of the City of Belvedere adopting by reference, with certain amendments and additions, Title 8, Animals, of the Marin County Code as adopted by Ordinance No. 3687 of the Board of Supervisors of the County of Marin and adopting by reference the fees for animal control services as adopted by Ordinance No. 3688 of the Board of Supervisors of the County of Marin.**

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**Recommended Motion/Item Description**

That the City Council conduct the public hearing and adopt the ordinance as presented.

**Background**

At its regular meeting on May 14, 2018, the Belvedere City Council voted unanimously to approve introduction of this ordinance and to waive future reading of the ordinance. There were no questions for staff from the Council and no comments from the public. In compliance with State Code regarding the special case of ordinances which adopt other ordinances by reference, the public hearing is being held tonight.

**Attachments**

- Ordinance
- County Ordinance No. 3687
- County Ordinance No. 3688

**CITY OF BELVEDERE**

**ORDINANCE NO. 2018-**

**AN ORDINANCE OF THE CITY OF BELVEDERE  
ADOPTING BY REFERENCE, WITH CERTAIN AMENDMENTS AND ADDITIONS,  
TITLE 8, ANIMALS, OF THE MARIN COUNTY CODE AS ADOPTED BY  
ORDINANCE NO. 3687 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
MARIN AND ADOPTING BY REFERENCE THE FEES FOR ANIMAL CONTROL  
SERVICES AS ADOPTED BY ORDINANCE NO. 3688 OF THE BOARD OF  
SUPERVISORS OF THE COUNTY OF MARIN**

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**THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES ORDAIN AS  
FOLLOWS:**

**SECTION 1.**     **Amendment.** Section 6.04.010 of the Belvedere Municipal Code is hereby amended to read as follows:

6.04.010 County Code adopted. This section is adopted pursuant to Section 50022.9 of the Government Code of the State of California. Title 8, Animals, of the Marin County Code, as amended by Ordinance No. ~~3476~~ 3687 of the Marin County Board of Supervisors adopted on ~~October 23, 2007~~ April 10, 2018, is hereby adopted by reference, and shall be in full force and effect within the City of Belvedere, provided however, that the following more restrictive amendments shall apply to the City of Belvedere only:

“8.04.183 ~~4~~-IV (a) (4). Order Artiodactyla, all even-toed hoofed mammals including, but not limited to, water buffalo, camels, elk, moose, deer, antelope, pig, cattle, sheep, goats, llamas and alpacas.

“8.04.183 ~~4~~-V (a) (5). Order Perissodactyla, all odd-toed hoofed mammals including, but not limited to, the zebra, the rhinoceros, and members of the family Equidae (horses, donkeys, etc.)”

**SECTION 2.**     **Amendment.** Section 6.04.013 of the Belvedere Municipal Code is hereby amended to read as follows:

6.04.013 County animal control fees adopted. The fees for various services provided under Marin County Code Chapter 8.04, Animal Control, as established and/or amended by Ordinance ~~3582~~ 3688 adopted by the Marin County Board of Supervisors on ~~May 22, 2012~~ April 10, 2018, are hereby adopted by reference.

**SECTION 3.**     **Amendment.** Section 6.04.015 of the Belvedere Municipal Code is hereby amended to :

6.04.015 Penalties. The following sections of the Marin County Code which establish penalties for violation of certain provisions thereof, are adopted as follows and shall apply to the City of Belvedere:

“8.04.070 Delinquent license penalty. Any owner/guardian failing to procure and pay for such license within the period allowed in Section 8.04.030 shall pay a delinquent penalty in the amount of \$30.00 as set forth by separate ordinance of the Marin County Board of Supervisors. The delinquent penalty may be waived where failure to pay is due to reasonable cause and circumstances beyond the control of the dog owner/guardian which shall be determined by the Animal Services Agency or the County Administrator’s office. Any person dissatisfied with a determination denying waiver of the delinquent penalty shall be entitled to a hearing which shall be conducted pursuant to the provisions of Section 8.04.122.

“8.04.122(d) Any owner/guardian failing to abide by the final orders of the hearing officer within the period allowed within the orders or under law shall pay a civil administrative penalty in the amount of \$500. The civil administrative penalty may be waived where failure to perform the required order(s) is/are due to reasonable cause and circumstances beyond the control of the dog owner/guardian which shall be determined by the hearing officer. Any person dissatisfied with a hearing determination denying waiver of the civil administrative penalty may petition for review by the Superior Court pursuant to the provisions of CCP section 1094.5.

“8.04.184(c) Penalty. Any person or entity other than a licensed California wildlife rehabilitator or an American Zoological Association (AZA) accredited facility, who boards, has, keeps, maintains, or has in his/her possession or control, for any length of time, any wild and/or undomesticated animal in violation of any of the provisions of Sections 8.04.182 through 8.04.184 of this chapter shall be guilty of a misdemeanor and shall be subject to imprisonment in the county jail for not more than six months or a fine not to exceed one thousand dollars or both.

“8.04.260 Penalty for violation. (a) Except where otherwise provided, any person violating any of the provisions of Section 8.04.179, 8.04.180, 8.04.181, 8.04.225, 8.04.230, 8.04.240, 8.04.245 and 8.04.246 of this chapter is guilty of a misdemeanor.

“(b) Except where otherwise provided, any person or persons violating any provision or provisions of this chapter shall be deemed guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars

or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

“8.08.030 Penalty for violations. Any person or persons violating any provision or provisions of this chapter shall be deemed guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

“8.12.030 Penalty for violation. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars.”

**SECTION 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

**SECTION 5. Effective Date.** This ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of the ordinance shall be published with the names of those city council members voting for and against the ordinance and the deputy city clerk shall post in the office of the city clerk a certified copy of the full text of the adopted ordinance along with the names of the members voting for and against the ordinance.

**INTRODUCED AT A PUBLIC HEARING** on May 14, 2018, and adopted at a regular meeting of the Belvedere City Council on \_\_\_\_\_ by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:** \_\_\_\_\_

Marty Winter, Mayor

**ATTEST:** \_\_\_\_\_

Alison Foulis, City Clerk

**ORDINANCE NO. 3687**  
**ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**AMENDING ANIMAL CONTROL ORDINANCE, CHAPTER 8.04 OF TITLE 8**

The Board of Supervisors of the County of Marin hereby finds and declares the following:

**SECTION I: FINDINGS**

**WHEREAS**, Marin County is a duly constituted public agency which possesses the common power to regulate and control animals within its jurisdiction;

**WHEREAS**, Marin County and all Marin's cities and towns provide animal services through a joint powers agreement;

**WHEREAS**, Marin County contracts with Marin Humane to provide animal services on behalf of all jurisdictions; and

**WHEREAS**, Marin County is recognized as a leader in promulgating ordinances that protect animals from cruelty, neglect and abuse in addition to encouraging responsible guardianship.

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

**SECTION II: SECTION 8.04.040 IS REVISED AS FOLLOWS:**

**Chapter 8.04 – ANIMAL CONTROL**

**Section 8.04.040 – Rabies vaccinations—Veterinarian reporting requirements.**

Chapter 8.04 is hereby amended by amending Section 8.04.040 to repeal the existing subsection (c) and replace it in its entirety with the following:

(c) Any veterinarian operating either at an established place of business or at a mobile clinic shall provide a copy of a rabies vaccination certificate for any cat or dog vaccinated by him/her to the animal services provider within 30 days of vaccination.

**SECTION III: SECTION 8.04.050 IS REVISED AS FOLLOWS:**

**Chapter 8.04 – ANIMAL CONTROL**

**Section 8.04.050 – Confinement and quarantine.**

Chapter 8.04 is hereby amended by amending Section 8.04.050 to repeal the existing Section and replace it in its entirety with the following:

The owner/guardian of a quarantined animal shall pay a fee as established by ordinance or resolution of the Board of Supervisors toward the animal services costs in providing and insuring that the animal is properly quarantined. Following the initial setting of the fee, the Board of Supervisors is authorized to revise or modify the fee by ordinance or resolution of the Board of Supervisors. If any person fails or refuses to obey any lawful order for quarantine of an animal for rabies observation, any animal services officer may impound the animal for such

quarantine at additional expense to the owner/guardian at the rate as may be established by ordinance or resolution of the Board of Supervisors. Following the initial setting of the fee, the Board of Supervisors is authorized to revise or modify the fee by ordinance or resolution of the Board of Supervisors. Quarantine fees are payable within thirty days of issuance of an invoice. Payment is delinquent if not received within sixty days.

**SECTION IV: SECTION 8.04.060 IS REVISED AS FOLLOWS:**

**Chapter 8.04 – ANIMAL CONTROL**

**Section 8.04.060 – License fee.**

Chapter 8.04 is hereby amended by amending 8.04.060 to repeal the existing Section and replace it in its entirety with the following:

(a) A dog license fee shall be imposed on all dogs. The license fee for dogs which have not been sterilized shall be established by ordinance or resolution of the Board of Supervisors. Following the initial setting of the fee, the Board of Supervisors is authorized to revise or modify the fee by ordinance or resolution of the Board of Supervisors. The fee is due and payable with the issuance of a license as required in Section 8.04.030 of this chapter.

(b) The license fee for dogs which have been sterilized shall be established by ordinance or resolution of the Board of Supervisors. Following the initial setting of the fee, the Board of Supervisors is authorized to revise or modify the fee by ordinance or resolution of the Board of Supervisors. The fee is due and payable with the issuance of a license as required in Section 8.04.030 of this chapter.

**SECTION V: SECTION 8.04.181 IS REVISED AS FOLLOWS:**

**Chapter 8.04 – ANIMAL CONTROL**

**Section 8.04.181 – Potentially Dangerous and Vicious Dogs.**

Chapter 8.04 is hereby amended by amending 8.04.181 to repeal the existing Section and replace it in its entirety with the following:

(a) Except as otherwise provided under the provisions of subsections (b) through (e) of this section, the provisions of Food and Agricultural Code, Chapter 9, Articles 1 through 5, Sections 31601 through 31683 and any amendments thereto exclusive of Sections 31602, 31603, 31606 and 31644 are adopted and incorporated by reference herein. The hearing provisions set forth in subsection (e) below shall be in addition to the provisions set forth above in Section 8.04.122.

(b) "Potentially dangerous dog" means any of the following:

(1) Any dog which, when unprovoked on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner/guardian or keeper of the dog;

(2) Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in Section 31604 of the Food and Agricultural Code;

(3) Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury or otherwise caused injury attacking a domestic animal off the property of the owner/guardian or keeper of the dog.

(4) Any dog that has been deemed by another governmental jurisdiction as "potentially dangerous," or "dangerous," or similar designation.

(c) "Vicious dog" means any of the following:

(1) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being;

(2) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in subsection (b) of this section or is maintained in violation of Sections 31641, 31642 or 31643 of the California Food and Agricultural Code.

(3) Any dog that has been deemed by another governmental jurisdiction as "vicious" or similar designation.

(4) Any dog which has engaged in any aggressive behavior that demonstrates that the dog represents a clear and present substantial danger to public health or safety and that due to substantial risk to public health or safety it is unlikely that the dog could be safely maintained.

(d) "Severe injury" means any physical injury directly caused by a dog attack that results in muscle tear(s), puncture(s), dislocation(s), broken bone(s) or disfiguring laceration(s), or which requires the suturing of a wound, corrective or cosmetic surgery and hospitalization for any of the aforementioned conditions.

(e) A hearing on whether a dog shall be declared potentially dangerous or vicious shall be conducted in the following manner:

(1) If the director has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious as defined by this section, a hearing shall be conducted. The director shall prepare a petition specifying the basis as to why the dog is potentially dangerous or vicious.

(2) A documented complaint must be received from a member of the public which serves as the evidentiary basis for the director to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition.

(3) Prior to commencement of a potentially dangerous dog hearing and if the allegations of the petition indicate that the dog is potentially dangerous as defined under subsection (b), the county administrator or his/her designee may offer in writing mediation services as an alternative to a hearing provided both the complainant and the owner/guardian agree in writing to mediation. Mediation must be concluded within thirty days of the offer to mediate. If mediation is refused or is unsuccessful, then the matter shall be referred to a hearing under this subsection.

(4) The county administrator or his/her designee shall designate a hearing officer from a panel of up to five persons whose membership shall be designated by the Board of Supervisors. Hearing officer applicants shall have had a minimum of five years' experience as a practicing attorney and prior experience in administrative, arbitration or mediation hearings. Prior experience in care and control of animals shall also be considered but is not necessary. The hearing officer shall conduct a hearing as described in section 8.04.122 on whether a dog shall be declared potentially dangerous or vicious. The hearing officer shall be compensated for the actual hours devoted to the hearing and its determination at the county approved hourly rate for said services.

(5) The county administrator or his/her designee shall provide written notice to the owner/guardian of the specific behavior of the dog alleged in the petition and the date upon which a hearing will be held to consider the petition. The hearing shall be held within the time limits set forth by the Food and Agricultural Code Section 31621 or any amendments thereto. The notice shall advise the owner/guardian of the consequences of a finding of potentially dangerous or vicious. The hearing shall be open to the public and the hearing officer may admit into evidence all relevant evidence, and exercise the full scope of authority set forth in Food and Agricultural Code Section 31621. Service of the notice shall be made in accordance with Section 1.04.190. Where the owner/guardian's address of any dog is unknown, notice of the hearing shall be given by posting the same in the office of the director and by publication in a newspaper of general circulation. Notice shall then be deemed given on publication of the notice.

(6) A hearing may be continued if the hearing officer deems it necessary and proper upon a showing of good cause.

(7) The time for hearing and the hearing provisions of this subsection shall be stayed if mediation services are offered pursuant to the provisions of paragraph (3) of this subsection. The time for hearing and the hearing provisions of this subsection shall recommence at the date the county administrator or his/her designee has determined in writing that mediation has not been accepted or has been unsuccessful.

(8) Complaint(s) from the public serve as the evidentiary basis for the director to prepare a petition. At least one of the complainants or his or her designee in the matter must appear and testify at the hearing or the complaint shall be dismissed.

(9) If the owner/guardian fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order shall be issued.



(10) The hearing officer shall consider all relevant responsible evidence without regard to the formal rules of evidence, including circumstances of mitigation, and the record of any prior violations by the owner/guardian.

(11) All witnesses shall testify under oath or affirmation. The oath shall be administered by the hearing officer. The hearing officer may, when appropriate, request the production of oral or documentary evidence which is reasonably necessary and relevant to conduct a hearing. All proceedings shall be tape recorded.

(12) The hearing officer shall issue a written determination based upon a preponderance of the evidence, which shall be mailed to the owner/guardian within seven days after the hearing is completed. A determination that a dog is potentially dangerous or vicious is subject to de novo review by the Superior Court.

(13) If an animal is found to be potentially dangerous or vicious by a preponderance of the evidence, the animal shall be so designated on the records of the animal services agency. Such a designation shall be considered in future determinations involving the animal and/or the owner/guardian.

(14) The owner/guardian of a dog for which a potentially dangerous or vicious dog petition has been issued may irrevocably waive his right to a hearing and any further appeal under Food and Agricultural Code Section 31622 and accept all conditions, sanctions and penalties set forth in Food and Agricultural Code Sections 31641, 31642 and 31643. The county administrator or his/her designee will mail a waiver form to the dog owner/guardian. The waiver must be signed by the dog owner/guardian and received by the county designee within thirty days from the date of agreement to waive or a hearing will be scheduled within thirty days of the refusal to sign the agreement to waive.

(15) Obligations for the owner/guardian of dogs deemed potentially dangerous:

- (i) In accordance with the provisions of Food and Agricultural Code Section 31641, the owner/guardian of a potentially dangerous dog shall, in addition to the regular licensing fee, pay to the animal control agency an annual fee established by ordinance or resolution of the Board of Supervisors for the increased costs of maintaining the records of the dog. Following the initial setting of the fee, the Board of Supervisors is authorized to revise or modify the fee by ordinance or resolution of the Board of Supervisors.
- (ii) Within thirty days of the determination that a dog is potentially dangerous, the owner/guardian of the animal shall have the dog sterilized and deliver proof of sterilization of the animal to the animal services agency.

- (iii) Within thirty days of the determination that a dog is potentially dangerous, the owner/guardian shall provide a secure and humane enclosure for the animal on the owner/guardian's property. The animal must be confined in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children. Such pen or structure shall be constructed such that the animal cannot climb, dig, jump or otherwise escape of its own volition.
- (iv) All dogs found potentially dangerous shall be maintained under immediate control of a responsible adult by a substantial leash appropriate for the size of the dog and no more than six feet in length when off of the property of the owner/guardian.
- (v) The owner/guardian of a dog found potentially dangerous under this section, who has no additional violations of any of the provisions of Title 8 of the Marin County code, within a thirty-six-month period from the date of designation as potentially dangerous, shall be removed from the list of potentially dangerous dogs by the director. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the thirty-six-month period if the owner/guardian of the dog demonstrates to the director that changes in circumstances or measures taken by the owner/guardian, such as training of the dog, have mitigated the risk to public safety.

(16) Obligations for the owner/guardian of a dog deemed vicious:

- (i) The owner/guardian of a dog determined to be vicious shall, if it is not subject to destruction, in addition to the regular licensing fee, pay to the animal control agency an annual fee established by ordinance or resolution of the Board of Supervisors to provide for the increased costs of maintaining the records of the dog. Following the initial setting of the fee, the Board of Supervisors is authorized to revise or modify the fee by ordinance or resolution of the Board of Supervisors.
- (ii) The owner/guardian of a dog determined to be vicious shall, if it is not subject to destruction, at his/her own expense, have the vicious animal registration number assigned to the dog tattooed upon the dog's left ear or, if the left ear is not available, on the left inner thigh, by a licensed veterinarian or a person trained, authorized and licensed to do business as an animal tattooist. As an alternative to tattooing, an owner/guardian may have a microchip injected beneath the skin, and between the shoulder blades of the animal by a licensed veterinarian. The owner/guardian shall provide proof satisfactory to the animal services agency of such tattooing or microchipping within thirty days of the vicious determination.
- (iii) Upon request by the animal services agency, the owner/guardian of a dog determined to be vicious shall, if it is not subject to destruction, present said animal within ten days to the animal services agency and allow photographs and measurements of the animal to be taken for purposes of identification.

- (iv) Within thirty days of the determination that the dog is vicious, the owner/guardian of the dog, if it is not subject to destruction, shall provide proof to the animal services agency that the dog is contained in a secure and humane enclosure for the animal on the owner's property. The animal must be confined in a securely enclosed and locked pen or structure, suitable to prevent the entry of children or unauthorized persons. Such pen or structure shall be constructed such that the animal cannot climb, dig, jump or otherwise escape. The pen or structure shall be constructed with sufficiently strong materials and shall have a top that is secured to the floor and sides of the enclosure.
- (v) Within thirty days of the determination that the dog is vicious, the owner/guardian of the dog, if it is not subject to destruction, shall provide proof of sterilization of the dog to the animal services agency.
- (vi) The owner/guardian of a dog found vicious under this section who has no additional violations of any of the provisions of Title 8 of the Marin County code, after a thirty-six-month period from the date of designation as vicious, may apply to the director to remove the animal from the list of vicious animals. The director shall have the discretion to remove the animal from the list of vicious animals upon proof of the successful completion of at least eight weeks of formal obedience training, other similar evidence of training, or other rehabilitative efforts designed to mitigate the risk to public safety.

(17) Regulatory measures in addition to those under State law: The administrative hearing officer shall have the authority to impose any of the regulatory actions authorized under the Food and Agricultural Code and this section. To the extent justified by the circumstances, the administrative hearing officer shall have the authority to impose additional regulatory restrictions that have a reasonable nexus to the circumstances of the case which may not be adequately addressed by the normal statutory remedies. Such measures shall be undertaken in the interests of public health and safety, and may include, but not be limited to the following:

- (i) Destruction of the dog;
- (ii) Muzzling of the dog;
- (iii) Confinement of the dog;
- (iv) Displaying conspicuously on the owner/guardian's property such signs as are required by animal services and to be obtained at owner/guardian's expense with a symbol warning of the presence of a potentially dangerous or vicious dog;
- (v) Restrictions upon the owner/guardian of the dog or similar animals;

- (vi) Loss of the right to maintain the dog or similar dogs identified by the hearing officer;
- (vii) Loss of the ability to take the dog off the confined premises of the owner/guardian's property;
- (viii) Restrictions upon the animal services business that may be subject to animal services regulation;
- (ix) Similar restrictions upon the dog or dog owner/guardian, or service provider calculated to prevent further loss of property, risk of harm to animals or risk to human life;
- (x) Any measures, not otherwise hereinabove set forth, that are reasonably calculated to reduce the risk of harm to human life and safety, or reasonably calculated to prevent property loss or the loss or harm to animals.

(18) Failure to comply with regulatory measures. In the event an owner/guardian of a dog fails to comply with the regulatory measures deemed necessary by an administrative hearing officer, a further hearing may be convened for the purposes of determining what, if any, sanctions are appropriately imposed. The procedures for such a hearing are set forth in 8.04.122(c).

**SECTION VI: SECTION 8.04.182 IS REVISED AS FOLLOWS:**

**Chapter 8.04 – ANIMAL CONTROL**

**Section 8.04.182 – Prohibition.**

Chapter 8.04 is hereby amended by amending 8.04.182 to repeal the existing Section and replace it in its entirety with the following:

No person shall board, have, keep, maintain, display, or have in his/her possession or control, for any length of time, in any area, any wild and/or undomesticated animal, as defined in Section 8.04.183 of this chapter.

**SECTION VII: SECTION 8.04.183 IS REVISED AS FOLLOWS:**

**Chapter 8.04 – ANIMAL CONTROL**

**Section 8.04.183 – Definition of wild and/or undomesticated animal.**

Chapter 8.04 is hereby amended by amending 8.04.183 to repeal the existing Section and replace it in its entirety with the following:

For purposes of Sections 8.04.182 through 8.04.184 of this chapter, a "wild and/or undomesticated animal" is defined as an animal which is wild by nature and not customarily domesticated in Marin County and which, because of its size, disposition or other characteristics could constitute a danger to human life or property and/or require specialized handling. Such wild and/or undomesticated animals shall be deemed to include but are not exclusive of:

(a) Class Mammalia.

(1) Order Carnivora.

(A) Family Felidae (cat) including but not limited to such members as the tiger, the jaguar, the leopard, the lion, the serval, the mountain lion, the bobcat, the ocelot and the cougar, excepting *Felis Domesticus* (domestic cat),

(B) Family Hyaenidae (hyena),

(C) Family Ursidae (bear),

(D) Family Canidae (dog) excepting *Canis Familiaris* (domestic dog) and including but not limited to such members as the wolf, coyote and the jackal;

(2) Order Proboscidea (elephant);

(3) Order Primata (primates), including but not limited to the chimpanzee, the baboon, the orangutan, the gibbon, the macaque and the gorilla, excepting the Family Hominidae (human);

(4) Order Artiodactyla, even-toed hoofed mammals such as water buffalo, camels, elk, moose, deer and antelope, excluding the domesticated species of the Family Suidae (domestic pig) and Family Bovidae (cattle, sheep, goats, llamas and alpacas);

(5) Order Perissodactyla, odd-toed hoofed mammals including the zebras, tapirs and rhinoceros, excluding the domesticated species of the Family Equidae (horses, donkeys, etc.).

(6) Order Marsupialia, including kangaroos and wallabies;

(7) Order Pinnipedia, including seals, sea lions and walruses;

(8) Order Pilosa, including sloths and tamanduas

(b) Class Reptilia.

(1) Order Squamata.

(A) Sub-Order Serpentes, all front and rear fanged venomous snakes,

(B) Sub-Order Lacertilia, both venomous species of the Family Heloder Matidae (gila monster and Mexican beaded lizard);

(2) Order Crocodilia (crocodile, alligator and caiman).

(c) Class Aves.

(1) Sub-Order Ratitae, such as, but not limited to, ostriches, rheas, cassowaries and emus, excluding small caged birds such as parakeets, canaries, love birds and finches.

(d) Class Chondrichthyes

(1) Elasmobranchii, including sharks

(e) Any other species of the animal kingdom (as opposed to vegetable or mineral) which is venomous to human beings whether its venom is transmitted by bite, sting, touch or other means, except the honey-producing bee.

**SECTION VIII: SECTION 8.04.184 IS REVISED AS FOLLOWS:**

**Chapter 8.04 – ANIMAL CONTROL**

**Section 8.04.184 – Definition of wild and/or undomesticated animal.**

Chapter 8.04 is hereby amended by amending 8.04.184 to repeal the existing Section and replace it in its entirety with the following:

(a) Impoundment. Any wild and/or undomesticated animal as defined in Section 8.04.183 of this chapter determined to be in the county of Marin in violation of Section 8.04.182 may be impounded by Animal Services.

(b) Notice of Removal. Whenever animal services causes the impoundment of such wild and/or undomesticated animal as authorized in this section, animal services shall immediately give notice of such impoundment, the grounds thereof and the place to which such animal has been impounded.

(c) Penalty. Any person or entity other than a licensed California wildlife rehabilitator or an American Zoological Association (AZA) accredited facility, who boards, has, keeps, maintains, displays, or has in his/her possession or control, for any length of time, any wild and/or undomesticated animal in violation of any of the provisions of Sections 8.04.182 through 8.04.184 of this chapter shall be guilty of a misdemeanor and shall be subject to imprisonment in the county jail for not more than six months or a fine not to exceed one thousand dollars or both.

**SECTION IX: SECTION 8.04.230 IS REVISED AS FOLLOWS:**

**Chapter 8.04 – ANIMAL CONTROL**

**Section 8.04.230 – Use of animals for exhibits.**

Chapter 8.04 is hereby amended by amending 8.04.230 to repeal the existing Section and replace it in its entirety with the following:

It is unlawful for any person to operate, conduct or maintain any commercial show, circus, animal exhibition, carnival, advertising or educational display or device in which any animal, wild or domestic, is used or kept without first having obtained a permit from the animal services agency at least thirty days prior to the scheduled event.

- (a) The animal services agency shall receive and review applications for such permits upon the applicant's filing and payment of the applicable permit fee imposed for such purposes as may be established by ordinance or resolution of the Board of Supervisors within thirty days of the filing thereof. Following the initial setting of the fee, the Board of Supervisors is authorized to revise or modify the fee by ordinance or resolution of the Board of Supervisors. Only one fee shall be paid per application, irrespective of the number of animals or exhibitions for which the application is made.
- (b) The animal services agency may, in connection with this permit authority, either establish operating conditions, deny the application or revoke the permit if the animal services agency can reasonably demonstrate that the conditions imposed upon issuance of the permit or its denial are necessary to protect the public health and safety or provide for the humane care and treatment of any animals used or kept.
- (c) The animal services agency shall not issue permits for any wild and/or undomesticated animal as defined in Section 8.04.183 of this chapter or any other species they deem inappropriate in order to protect public health and safety and/or animal welfare.
- (d) For the Marin County Fair, operating conditions must be conditions set out in the Fair Industry Animal Welfare Manual for the Western Fairs Association, which is attached hereto or as may be subsequently revised. For those conditions or exhibits not covered by the Fair Industry Animal Welfare Manual, the animal services agency shall apply operating conditions as described in subsection (b) of this section. The Marin County Fair shall be entitled to a permit for its exhibits so long as it is in compliance with operating conditions.
- (e) The animal services agency shall make written findings regarding the conditions imposed with issuance of the permit or written findings and explanation for denial of the permit within seven business days of receiving the application. The animal services agency may waive the permit fee when the use of the animals for exhibit benefits a nonprofit, educational or governmental organization and an inspection of the exhibit is not necessary. If the animal services agency denies or revokes a permit, the applicant or permittee may request a hearing in accordance with the provisions of Section 8.04.241 of this chapter.


### **SECTION III: EFFECTIVE DATE AND PUBLICATION**

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. Additionally, as required by Government Code section 25124(b), a summary of the proposed ordinance was published at least five days prior to the board of supervisors meeting at which the proposed ordinance was adopted and the summary shall be published again within fifteen (15) days after its adoption, 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 in accordance with Government Code section 25124.

**SECTION IV: VOTE**

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 10<sup>th</sup> day of April 2018 by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Katie Rice, Judy Arnold, Kathrin Sears,  
Damon Connolly  
NOES: NONE  
ABSENT: NONE

  
\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

  
\_\_\_\_\_  
CLERK



**ORDINANCE NO. 3688**  
**AN UNCODIFIED ORDINANCE OF THE MARIN COUNTY BOARD OF**  
**SUPERVISORS ESTABLISHING A FEE SCHEDULE FOR SERVICES PROVIDED**  
**UNDER MARIN COUNTY CODE TITLE 8, CHAPTER 8.04 AND REPEALING**  
**UNCODIFIED ORDINANCE NO. 3582**

The Board of Supervisors of the County of Marin hereby finds and declares the following:

**SECTION 1: FINDINGS**

**WHEREAS,** Marin County and all Marin's cities and towns provide animal services through a joint powers agreement; and

**WHEREAS,** pursuant to the Joint Powers Agreement, Marin County agreed to provide animal control services to all jurisdictions; and

**WHEREAS,** Marin County contracts with Marin Humane to provide animal services on behalf of all jurisdictions; and

**WHEREAS,** pursuant to the Joint Powers Agreement, Marin County, through the Board of Supervisors, has the sole discretion to establish all fees related to the animal control program throughout the County; and

**WHEREAS,** pursuant to the Joint Powers Agreement, Marin County, through the Board of Supervisors, has the authority to advise the judiciary as to fines and forfeitures related to violations of the animal control ordinances throughout all jurisdictions; and

**WHEREAS,** Government Code section 54985 (a) grants the Board of Supervisors the authority to increase a fee by the amount reasonably necessary to recover the actual cost of providing the service, if the fee is already established by statute or ordinance, and is not otherwise limited by the same; and

**WHEREAS,** notice of the Public Hearing was provided to the local newspaper 10 days in advance, as required by the Joint Powers Agreement; and

**WHEREAS,** in December 2017, Marin Humane staff conducted a survey of neighboring counties such as San Mateo, San Francisco, Contra Costa, and Alameda, and determined that increases to Marin's fee schedules are both appropriate and consistent with these other jurisdictions; and

**WHEREAS,** Marin Humane has confirmed that the proposed fee increases do not exceed the cost of providing the associated services; and

**WHEREAS,** the last fee increase was in 2012; and

**WHEREAS**, 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 ordinance adoption as well as thereafter.

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

**SECTION II:** Ordinance No. 3582 is hereby repealed.

**SECTION III:** A new uncodified ordinance is hereby enacted to read as follows:

<b>Fee Category</b>	<b>[Existing Fee]</b>	<b>New Fee*</b>
<b>DOG LICENSE FEES ESTABLISHED UNDER 8.04.060:</b>		
<u>Sterilized Dog</u>		
For a one year license	[\$19.00]	\$20
For a two year license	[\$26.00]	\$30
For a three year license	[\$35.00]	\$40
<u>Unsterilized Dog</u>		
For a one year license	[\$50.00]	\$60
For a two year license	[\$59.00]	\$70
For a three year license	[\$80.00]	\$90
<b>DELINQUENT DOG LICENSE FEE ESTABLISHED UNDER 8.04.070:</b>		
Sterilized Dog	[\$50.00]	\$55
Unsterilized Dog	[\$50.00]	\$60
<b>DUPLICATE LICENSE TAG FEE ESTABLISHED UNDER 8.04.080</b>		
	[\$10.00]	\$15
<b>REDEMPTION FEES (IMPOUND FEES) ESTABLISHED UNDER 8.04.140 AND 8.04.150:</b>		
<u>Sterilized Animal</u>		
First impoundment during a 12 month period	[\$65.00]	same
Second impoundment during a 12 month period	[\$90.00]	same
Third impoundment during a 12 month period	[\$110.00]	\$125
Fourth impoundment during a 12 month period	[\$150.00]	\$160
Subsequent impoundment during a 12 month period	[\$230.00]	\$250
<u>Unsterilized Animal</u>		
First impoundment during a 12 month period	[\$95.00]	\$120
Second impoundment during a 12 month period	[\$145.00]	\$165
Third impoundment during a 12 month period	[\$165.00]	\$180
Fourth impoundment during a 12 month period	[\$200.00]	\$225
Subsequent impoundment during a 12 month period	[\$260.00]	\$290

DEAD DOD, CAT AND SMALL HOUSEHOLD PET REMOVAL  
 FEES ESTABLISHED UNDER 8.04.195: [\$75.00] same

DEAD WILDLIFE REMOVAL FEES ESTABLISHED UNDER  
 8.04.195:  
 For removal & disposition of dead wildlife under 50 lbs [\$75.00†] same  
 For removal & disposition of dead wildlife 50 lbs & over [\$125.00†] same

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 [\$22.00] same  
 Charge for quarantining a sterilized dog per day [\$35.00] same  
 Charge for boarding a sterilized cat per day [\$14.00] same  
 Charge for quarantining a sterilized cat per day [\$30.00] same  
Unsterilized Animals  
 Charge for boarding an unsterilized dog per day [\$35.00] \$40.00  
 Charge for quarantining an unsterilized dog per day [\$40.00] \$50.00  
 Charge for boarding an unsterilized cat per day [\$21.00] \$25.00  
 Charge for quarantining an unsterilized cat per day [\$37.00] \$40.00

CONFINEMENT AND QUARANTINE FEE FOR ANIMALS  
 UNDER HOME QUARANTINE ESTABLISHED UNDER  
 8.04.050: [\$30.00] same  
 Charge for home quarantine of animal

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) [\$250.00] same

Vicious Dog the charge for annual record keeping pursuant to  
 8.04.181(e)(16)(i) [\$500.00] same

HOBBYIST & RANCH DOG FEES ESTABLISHED UNDER  
 8.04.245 & 8.04.246:  
 Dog Hobbyist Permit the charge for issuance of each dog hobbyist  
 Permit [\$250.00] same  
 Ranch Dog Permit the charge for issuance of each ranch dog permit  
 [\$250.00] same

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 FEES & COMMERCIAL ANIMAL ESTABLISHMENT  
ESTABLISHED UNDER 8.04.230 AND 8.04.240:**

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

**STRAY LIVESTOCK CHARGES ESTABLISHED PURSUANT TO  
8.04.220:**

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

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	same
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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 IV: EFFECTIVE DATE AND PUBLICATION**


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. Additionally, as required by Government Code section 25124(b), a summary of the proposed ordinance was published at least five days prior to the board of supervisors meeting at which the proposed ordinance was adopted and the summary shall be published again within fifteen (15) days after its adoption, 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 in accordance with Government Code section 25124.

**SECTION V: VOTE**

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 10<sup>th</sup> day of April 2018 by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Katie Rice, Judy Arnold, Kathrin Sears,  
Damon Connolly

NOES: NONE  
ABSENT: NONE

  
\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

  
\_\_\_\_\_  
CLERK