

**1. Requested Motion:**

**Meeting Date:** Feb. 16, 2010

Adopt Resolution 10-10 to provide fees and fines for animal control purposes.

**Why the action is necessary:**

The updated fee schedule is a necessary companion to the new Animal Control Ordinance.

**What the action accomplishes:**

This resolution will facilitate enforcement of the Animal Control Ordinance.

**2. Agenda:**

Consent  
 Administrative

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Town Staff  
 Town Attorney

**5. Background:**

The proposed Animal Control Ordinance references an Animal Control Fee Schedule. The Fee Schedule Resolution (10-10) is to be passed following passage of the Animal Control Ordinance. The suggested Fee Schedule is based upon the fee schedule enforced by Lee County. The Ordinance is structured so that the Council can modify the fee schedule without having to modify the Ordinance.

Enclosures:  
 Resolution 10-10

**6. Alternative Action:**

Direct revisions to fee schedule

**7. Management Recommendations:**

Adopt recommended fee schedule

**8. Recommended Approval:**

| Town Manager  | Town Attorney | Finance Director | Public Works Director | Community Development Director  | Cultural Resources Director | Town Clerk |
|---|---------------|------------------|-----------------------|---|-----------------------------|------------|
|  |               |                  |                       |  |                             |            |

**9. Council Action:**

Approved     Denied     Deferred     Other

**RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 10-10  
ANIMAL CONTROL FEE SCHEDULE**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS  
BEACH, FLORIDA, ESTABLISHING AN ANIMAL CONTROL FEE SCHEDULE;  
PROVIDING EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Town Ordinance 10-XX, also known as the Town of Fort Myers Beach Animal Control Ordinance, provides for the assessment of various fees and fines for matters and violations related to animal control;

WHEREAS, based on the current economic climate and the recommendations of the Ad Hoc Committee, the Town Council has determined that it is prudent to adopt the schedule of fees and fines which is attached to this Resolution as Exhibit "A" and hereby incorporated by reference.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. Reasonableness of Schedule of Fees and Charges. The Schedule of Fees and Fines which is attached hereto as Exhibit "A" is reasonable and its adoption by the Town is in the best interest of the life, safety, welfare and economic well-being of its citizens, residents, business owners, property owners visitors and others within the Town of Fort Myers Beach.

Section 3. Adoption of Schedule of Fees and Charges. the Town hereby adopts the Schedule of Fees and Fines which is attached as Exhibit "A" and incorporated by reference.

Section 4 Effective Date. This resolution shall take effect immediately and continue in effect until further action by Town Council.

The foregoing Resolution was adopted by the Town Council on February \_\_\_\_, 2010 upon a motion by Councilmember \_\_\_\_\_ and second by Councilmember \_\_\_\_\_. Upon being put to a vote, the result was as follows:

Larry Kiker, Mayor \_\_\_\_\_  
Bob Raymond \_\_\_\_\_

Herb Acken, Vice Mayor \_\_\_\_\_  
Jo List \_\_\_\_\_ Tom Babcock \_\_\_\_\_

**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

By: \_\_\_\_\_  
Larry Kiker, Mayor

Approved as to legal sufficiency:

ATTEST:

By: \_\_\_\_\_  
Anne Dalton, Esquire  
Town Attorney

By: \_\_\_\_\_  
Michelle Mayher, Town Clerk

**DRAFT**

EXHIBIT "A"  
SCHEDULE OF ANIMAL CONTROL FEES AND FINES

**DRAFT**

**DEPARTMENT:** (Domestic) Animal Services

**EXTERNAL FEE NUMBER:** EX 1-1\*

**DIVISION:**

**PURPOSE:** (Domestic) Animal Services Fees and Fines

**BASIS FOR FEE** 99-04-12; 02-11-36; 06-05-45; 06-11-09; 08-06-59; 09-08-30

**DATE APPROVED:** 04-13-99; 11-19-02; 05-30-06; 11-14-06; 6-24-08; 8-4-09

**Note:** \*May Not Be Changed Without BOCC Approval

**A. RETURN TO OWNER (RTO) FEES-Sterilized, Licensed and Microchipped Pet**

|  |          |
|--|----------|
| 1. First RTO   | \$ 50.00 |
| 2. 2 <sup>nd</sup> and Any Subsequent RTO                          | \$100.00 |
| 3. Small Animal Intake   | \$ 25.00 |
| 4. Special RTO (Significant Impoundment Outside Normal Procedures) | \$300.00 |

**B. RTO FEES- Unsterilized, Unlicensed and Not Microchipped Pet**

|  |          |
|--|----------|
| 1. First RTO   | \$100.00 |
| 2. 2 <sup>nd</sup> and Any Subsequent RTO                          | \$200.00 |
| 3. Special RTO (Significant Impoundment Outside Normal Procedures) | \$300.00 |

**C. DAILEY BOARD FEE**

\$20.00

**D. QUARANTINE**

|   |          |
|---|----------|
| 1. 1 <sup>ST</sup> Quarantine                 | \$250.00 |
| 2. 2 <sup>nd</sup> and Subsequent Quarantines | \$500.00 |

**E. COUNTY LICENSING**

|   | <b>1 –Year</b> | <b>3-Year</b> |
|---|----------------|---------------|
| 1. Sterilized and Microchipped Dog or Cat   | \$ 8.00        | \$15.00       |
| 2. Unsterilized and Unmicrochipped Dog or Cat   | \$35.00        | \$65.00       |
| 3. Juvenile Dog or Cat  | \$ 8.00        | N/A           |
| 4. Ferret   | \$ 5.00        | N/A           |
| 5. Duplicate License or Change of Ownership   | \$ 5.00        | \$ 5.00       |
| 6. Late Registration or Renewal Fee (+License Fee)<br>30 or more days past due renewal or original purchase | \$25.00        | \$25.00       |

Note: The maximum fee permitted to be charged by licensing sellers is \$5.00 per license.

**F. OTHER ANNUAL REGISTRATION FEES**

|  |          |
|--|----------|
| 1. GUARD DOG (INCLUDES INSPECTION)         | \$75.00  |
| 2. DANGEROUS DOG LICENSE (ANNUAL FEE ONLY) | \$500.00 |

**EX 1-1 Continued**

**G. LOW COST COMMUNITY SPAY/NEUTER PROGRAM** (All pets sterilized through this program must be licensed and vaccinated for rabies in accordance with Lee County Ordinances.)

|  |           |
|--|-----------|
| Female Dog (0 to 50 lbs.)                                    | \$ 100.00 |
| Female Dog (51 to 100 lbs.)                                  | \$ 125.00 |
| Female Dog (>100lbs)   | \$150.00  |
| Male Dog   | \$100.00  |
| Female Cat   | \$ 75.00  |
| Male Cat   | \$ 50.00  |
| Heart Worm Test  | \$ 25.00  |
| Rabies Vaccine   | \$ 10.00  |
| Flea Prevention  | \$ 15.00  |
| Felv/FIV Test  | \$ 25.00  |
| Microchip Implant  | \$ 25.00  |
| Additional charge for Obese, in heat and Cryptorchid Animals | \$ 25.00  |

**Note: Pets of residents who provide documentation of receiving public assistance or unemployment receive the low- cost community spay/neuter program outlined above at a cost of \$30.00 per pet including county license.**

**H. ADOPTION FEES**

|            |          |
|------------|----------|
| Kitten     | \$ 75.00 |
| Cat        | \$ 50.00 |
| Cat Senior | \$ 25.00 |
| Puppy      | \$ 95.00 |
| Dog        | \$ 75.00 |
| Dog Senior | \$ 25.00 |

Senior citizens (and active or Retired Military Personnel) Discount:

Senior citizens (age 65 or older) and active or retired military personnel will receive a discount of \$25.00 off the adoption price of adult cats and dogs or free adoption of cats and dogs six years or older.

**I. SPAY/NEUTER DEPOSIT (PER ANIMAL)**

|                            |          |
|----------------------------|----------|
| 1. Lee County resident     | \$250.00 |
| 2. Non-Lee County resident | \$500.00 |

**J. TRAP RENTALS**

|   | <b>CAT</b> | <b>DOG</b> |
|---|------------|------------|
| 1. Refundable deposit (trap must be returned in good condition) | \$ 75.00   | \$250.00   |
| 2. Daily late fee for traps not returned by date specified      | \$ 10.00   | \$ 10.00   |
| 3. Replacement or repair of damaged trap                        | \$ 75.00   | \$250.00   |

**K. OWNER SURRENDER FEES** (Pets Deemed Adoptable by LCAS)

|   |           |
|---|-----------|
| 1. Dog or Cat   | \$ 50.00  |
| 2. Litter of Puppies or kittens                             | \$ 50.00  |
| 3. Litter of puppies or kittens with adult mother or father | \$ 100.00 |

**EX 1-1 Continued**

**L. PROPERTY MANAGEMENT/RENTAL AGENCY PET RELINQUISHMENT**

|                                 |          |
|---------------------------------|----------|
| 1. Front Counter Relinquishment | \$ 50.00 |
| 2. ACO Pick-Up in Field         | \$150.00 |

|   |          |
|---|----------|
| <b><u>M. COMPLIANCE FEE FOR AMENDED CITATIONS</u></b> | \$ 40.00 |
|---|----------|

**NOTE: FEES MAY BE REDUCED AND/OR WAIVED AT THE DISCRETION OF THE LCAS DIRECTOR FOR SPECIAL CIRCUMSTANCES OR FOR PROMOTIONAL REASONS.**

**SCHEDULE OF FINES**

| <b><u>SECTION #</u></b>    | <b><u>OFFENSE</u></b>      | <b><u>1<sup>ST</sup> OFFENSE</u></b> | <b><u>2<sup>ND</sup> OFFENSE</u></b> | <b><u>3<sup>RD</sup> OFFENSE</u></b>               |
|----------------------------|----------------------------|--------------------------------------|--------------------------------------|--|
| All sections not Specified |                            | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-34                       | Cruelty to Animals         | \$250 or Mandatory Court Appearance  | \$500 or Mandatory Court Appearance  | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-35                       | Animals in Distress        | \$250 or Mandatory Court Appearance  | \$500 or Mandatory Court Appearance  | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-36                       | Animal Fighting Or Baiting | \$250 or Mandatory Court Appearance  | \$500 or Mandatory Court Appearance  | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-37                       | Failure To Sterilize       | \$250                                | \$500                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-38                       | Nuisance Animals           | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-39                       | Muscovy Ducks              | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |

**EX 1-1 Continued**

**SCHEDULE OF FINES (continued)**

| <b><u>SECTION #</u></b> | <b><u>OFFENSE</u></b>                | <b><u>1<sup>ST</sup> OFFENSE</u></b> | <b><u>2<sup>ND</sup> OFFENSE</u></b> | <b><u>3<sup>RD</sup> OFFENSE</u></b>               |
|-------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--|
| 6-40                    | Surrender of Stray Animals           | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-41                    | Concealment of Animals               | \$250                                | \$500                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-42                    | Running at Large                     | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-43                    | Threatening or Menacing Behavior     | \$250                                | \$500                                | Mandatory Appearance with Minimum Fine \$50        |
| 6-44                    | Dangerous Animals                    | \$250 or Mandatory Court Appearance  | \$500 or Mandatory Court Appearance  | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-45                    | Failure to Confine Female in Season  | \$250                                | \$500                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-46                    | Opposing an Animal Control Officer   | \$250                                | \$500                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-47                    | Refusing to Sign and Accept Citation | \$250                                | \$500                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-48                    | Vaccination Requirements             | \$ 100                               | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-49                    | License Requirements                 | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-50                    | Identification Requirements          | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |

**EX 1-1 Continued**

**SCHEDULE OF FINES (continued)**

| <b><u>SECTION #</u></b> | <b><u>OFFENSE</u></b>                         | <b><u>1<sup>ST</sup> OFFENSE</u></b> | <b><u>2<sup>ND</sup> OFFENSE</u></b> | <b><u>3<sup>RD</sup> OFFENSE</u></b>               |
|-------------------------|---|--------------------------------------|--------------------------------------|--|
| 6-51                    | License Fees                                  | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-52                    | Animals in Motor Vehicle                      | \$250                                | \$500                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-53                    | Humane Treatment of Animals                   | \$250                                | \$500                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-55                    | Animals for Rabies Observation                | \$250                                | \$500                                | Mandatory Court Appearance With Minimum Fine \$500 |
| 6-56                    | Inspection of Commercial Animal Establishment | \$150                                | \$250                                | Mandatory Court Appearance With Minimum Fine \$500 |
| 6-57                    | Guard Dogs                                    | \$250                                | \$500                                | Mandatory Court Appearance with Minimum Fine \$500 |
| 6-58                    | Disposal of Dead Bodies of Owned Animals      | \$150                                | \$250                                | Mandatory Court Appearance with Minimum Fine \$500 |