CITY OF REDMOND ORDINANCE NO.2640

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 7.04 OF THE REDMOND MUNICIPAL CODE, ANIMAL CONTROL, TO REVISE PROVISIONS RELATED TO SMALL ANIMAL HUSBANDRY INCLUDING CHICKENS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has undertaken a two-year process to update the Comprehensive Plan during 2010-2011; and

WHEREAS, the stated Comprehensive Plan vision of Redmond as a vibrant and complete City, with Urban Centers in Downtown and Overlake, connected neighborhoods, and high quality services for an engaged citizenry remains intact; and

WHEREAS, the purpose of updating the Comprehensive Plan is to extend the planning horizon from 2022 to 2030, to emphasize Redmond's goal of being a sustainable community, to reflect changes in the Growth Management Act or regional plans since 2004, to reflect City actions or studies since the 2004 Comprehensive Plan update and to clarify the text and make the Comprehensive Plan easier to read; and

WHEREAS, on April 20, 2010, the City Council adopted Resolution No. 1326, which established the general scope and schedule for Redmond's 2010-11 Comprehensive Plan review and update; and

WHEREAS, the City Council, in response to community interest, directed staff to address small animal husbandry and particularly, chicken husbandry, as a component of the 2010-2011 Periodic Update to Redmond's Comprehensive Plan; and

WHEREAS, state agencies were provided 60-day notice of the proposed amendments to the Redmond Comprehensive Plan, Zoning Code, and Municipal Code on September 13, 2011; and

WHEREAS, a State Environmental Policy Act Addendum to Redmond's 1995 Comprehensive Plan Final Environmental Impact Statement was prepared and was issued on November 18, 2011, for the proposed amendment; and

WHEREAS, on October 12, 2011, the Planning Commission conducted a public hearing and held the hearing open for written comment through October 19, 2011; and

WHEREAS, the Planning Commission held study sessions on August 24, 2011; September 21, 2011; October 12, 2011; October 19, 2011; and October 26, 2011; to receive public comment regarding the proposed amendments to small animal husbandry policies and regulations; and

WHEREAS, the City Council held public meetings on October 18, 2011, and November 7, 2011, to review the recommended amendments; and

WHEREAS, small animal husbandry is addressed in related portions of the Redmond Comprehensive Plan, Zoning Code, and

Municipal Code, and considered herein in unison for amendment by the City Council.

WHEREAS, the City of Redmond desires to amend portions of the Redmond Municipal Code pertaining to small animal husbandry; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter. Chapter 7.04 Animal Control, is hereby amended to read as follows:

Chapter 7.04 ANIMAL CONTROL*

Sections:

7.04.001 Code and law.

- 7.04.005 King County chapters adopted by reference.
- 7.04.010 -
- 7.04.150 Repealed.

7.04.151 Animal structures and runs.

- 7.04.152 Household pets.
- 7.04.154 Beekeeping.
- 7.04.156 Small domestic animals.

7.04.157 Chickens.

- 7.04.158 Large domestic animals.
- 7.04.160 -
- 7.04.600 Repealed.

*Prior legislation: Ords. 669, 721, 744, 852, 874, and 1041. Animal fee schedules are on file in the City Clerk's office.

7.04.001 Code and law.

(A) No portion of this chapter shall be deemed to be exclusive or exhaustive in reference to animal

control and shall not relieve any person from the duty
to observe other and more restrictive provisions.

Animal control codes and laws provided by King County
and Washington State shall apply.

7.04.005 King County chapters adopted by reference.

(A) [(1)] The following chapters of the King County Code are hereby adopted by reference, as the same have been amended by King County Ordinance No. 16861, and as they may be amended hereafter:

Chapter 11.04 Animal Control and Care Regulations, with the exceptions established in subsections (B)[(2)] through (H)[(8)] of this section

Chapter 11.12 Rabies Control

Chapter 11.20 Disposition of Fowl and Rabbits

Chapter 11.24 Stock Restricted Area

Chapter 11.28 Exotic Animals

Chapter 11.32 Guard Dogs

(B) [(2)] KCC 11.04.010(B) shall provide that if there is a conflict between a provision of this chapter and a provision of the Redmond Municipal Code,

the provision in the Redmond Municipal Code shall control.

(c) [(3)] All references in Chapter 11.04 KCC to Title 21A, which utilize Title 21A's limits for the number of dogs and cats that may be kept in dwelling units as thresholds for certain licensing requirements, shall be replaced with references to RMC 7.04.152.

(D) [+4+] KCC 11.04.050(A) shall provide that the applicant for an original animal shelter, cattery, pet shop, grooming service, or kennel license shall present to the regional animal services section a written statement from the city planning department that the establishment of the animal shelter, cattery, pet shop, grooming service, or kennel at the proposed site is not in violation of the city zoning code, or has a legal nonconforming zoning status, or a conditional use permit has been issued for the intended use.

(E) [(5)] KCC 11.04.050(B) shall provide that shelters, catteries, pet shops, grooming services, and kennels shall comply with the licensing requirements of the Seattle-King County Department of Public Health. Subject to applicable restrictions in the

city's zoning code, the facilities may board animals as authorized by their Seattle-King County Department of Public Health license.

(F) [(6)] KCC 11.04.290(A)(3) shall provide that failure to comply with any requirement prescribed by the in accordance with this section manager constitutes a misdemeanor. Such an animal shall not be in the city after forty-eight hours after receiving written notice from the manager. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal and the owner or keeper of the animal or animals has no right to redeem the animal or animals.

(G) [-(7)-] KCC 11.04.290(B)(2) shall provide that any animal that bites, attacks or attempts to bite one or more persons two or more times within a two-year period is declared to be a public nuisance and shall not be kept within the city forty-eight hours after receiving written notice from the manager. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal, and the owner or keeper of the animal or animals has no right to redeem the animal.

(H)[(8)] KCC 11.04.510 shall provide that no person within the city shall publish or advertise to King County residents the availability of any unaltered cat or dog unless the publication or advertisement includes: the unaltered animal's license number or the animal's juvenile license number; provided, however, that nothing in this chapter shall prohibit licensed breeders from advertising in national publications for sale of a planned litter or litters.

7.04.151 Animal structures and runs.

- (A) Animal Structures and Runs. A structure and associated run shall provide accommodation, environment, and security of animals at a standard that ensures their safety and well-being.
- (B) Food Storage. Animal food shall be secured in a manner not to attract rodents.

7.04.152 Household pets.

- (A) [(a)] Types. Household pets include animals such as dogs, cats, hamsters, nonvenomous snakes, birds and rabbits. <u>Chickens</u>, [M]<u>mink</u>, and both large and small domestic animals are excluded.
- (B) [(b)] Limitation. Each dwelling unit and the accompanying lot or common area is limited to three

household pets plus one un-weaned litter produced by any of the pets, provided, that this limitation shall not apply to gerbils, hamsters, birds and nonvenomous snakes.

(C) [(c)] Shelter. Household pets shall be sheltered in the dwelling unit or in a [suitable and]clean structure located within the building setback lines of the accompanying lot.

7.04.154 Beekeeping.

Beekeeping, where permitted, is subject to the following requirements:

(A) [(a)] No more than four hives per lot shall be allowed in areas zoned R-1, R-2, or R-3, and no more than two hives per lot shall be allowed in areas zoned R-4, R-5 or R-6, provided, that a beekeeper who picks up a swarm of bees may hold them for a period of no more than two weeks, notwithstanding the provisions of this section.

(B) [(b)] Colonies shall be maintained in small movable frame hives.

(C) [(e)] Adequate space shall be maintained in the hives to prevent overcrowding and swarming.

- (D) [(d)] Colonies shall be requeened with a young hybrid queen annually, or as often as necessary to prevent any swarming or aggressive behavior.
- (E) [(e)] All colonies shall be registered with the Washington State Department of Agriculture in accordance with apiary law, RCW 15.60.030.
- (F) [(f)] Hives shall not be located within twenty-five feet of any property line, except under the following conditions:
- (1) When situated eight feet or more above adjacent ground level; or
- (2) When there is a solid fence at least six feet high separating the hive from the property line, extending at least twenty feet from the hive along the property line in both directions.
- (G) [(g)] Bees living in trees, buildings or any other space (except in movable frame hives), abandoned colonies or diseased bees shall constitute a public nuisance and shall be abated, as set forth in this chapter.

7.04.156 Small domestic animals.

(A) [(a)] Types. Small domestic animals (mammals and fowl) include rabbits, ducks, geese, swans[τ CHICKENS] and other similar animals unless otherwise

specified. Chickens, [M]mink, hogs, large domestic
animals and household pets are excluded.

- (B) [-(b)-] Limitations. In [RESIDENTIAL DISTRICTS]

 Single-Family and Urban Recreation zones, no more than

 ten small domestic animals may be kept on a minimum

 lot size of one-half acre. [IN A AND G DISTRICTS] On

 publicly-owned park properties, there shall be no

 limit on the number of small domestic animals kept

 provided that RMC 7.04.151 Animal structures and runs

 requirements are met.
- (C) [(e)] Shelter. Small domestic animals shall be sheltered in a [SUITABLE,] clean structure which shall be located at least thirty feet away from any property line.
- (D) [(d) CONFINEMENT. ADEQUATE MEASURES SHALL BE TAKEN TO PREVENT ANIMALS FROM STRAYING ONTO ADJACENT PROPERTY.] Repealed by Ord. 2640.
- (E) On publicly-owned park properties, there shall be no minimum setback for existing structures provided that RMC 7.04.151 Animal structures and runs requirements are met.
- (F) Confinement. Adequate measures shall be taken to provide safety for the animals and to prevent them from straying onto adjacent property.

(G) Animal Waste. Adequate measures shall be taken to properly dispose of animal wastes.

Accumulation of animal waste shall be prohibited from being stored within the required thirty-foot animal shelter setback.

7.04.157 Chickens.

(A) Types. Female chickens, pullets, or hens.

Water fowl including ducks, geese, and swans, and other fowl are excluded from this section.

(B) Limitations.

(1) Female chickens, pullets or hens, hereby referred to as chickens, are allowed in Single-Family zones, the Urban Recreation zone, and on publicly-owned park properties.

(2) In Single-Family and Urban Recreation zones, the following maximum number of chickens may be kept on an individually-owned property:

Zoning Designation	Allowed maximum
	number of chickens
UR	10
RA-5	10
R-1	10
R-2	10
R-3	8
R-4	<u>7</u>
R-5	6
R-6	4
<u>R-8</u>	0

- (3) On publicly-owned park properties, there shall be no limit on the number of chickens kept provided that RMC 7.04.151 Animal structures and runs requirements are met.
- (C) Chicken Husbandry Registration. Approval of a Chicken Husbandry registration is required to house chickens on any property. The property owner(s) shall complete a Chicken Husbandry registration confirming that:
- (1) The property owner has read and understands RMC 7.04 Animal Control.
- (2) The property owner agrees to maintain the subject property and chicken husbandry activity in a manner that complies with RMC 7.04 Animal Control.
- (3) Property owners who housed chickens prior to December 6, 2011 are permitted to maintain chicken husbandry activities consistent with the RMC 7.04 Animal Control in effect as of December 6, 2011.

(D) Shelter and Run.

(1) Chickens shall be sheltered in a clean structure which shall be located no less than fifteen feet from any property line.

(a) The shelter shall provide protection from the following:

<u>i. Weather by providing a</u>

<u>fully enclosed structure including walls, roof, floor,</u>

and securable door.

ii. Predators by being made of sturdy material such as plywood.

iii. Rodents by limiting small points of uncontrolled access, no larger than one-half inch.

- (2) On publicly-owned park properties, there shall be no minimum setback for existing structures provided that RMC 7.04.151 Animal structures and runs requirements are met.
- (3) Chicken shelter, run, and other structures such as feed storage shall not be located in the front yard and shall be screened at a minimum of Type II Visual Screen (RZC 21.32 Landscaping) from adjoining streets and access corridors.
- (4) RZC 21.08.230 Accessory Structures shall apply to chicken shelter, run, and other structures.

 In addition, the shelter shall be limited to no greater than 200 square feet in gross floor area and shall be no greater than eight feet in height.

- (5) A chicken run is an enclosed outside yard, no greater than six feet in height, for keeping chickens.
- (1) A run shall provide protection from the following:
- (a) Weather by providing a covered portion of run space that allows chickens to escape rain and snow.
- (b) Predators by being made of sturdy, small gauge animal fencing such as chain link or chicken wire along the entire perimeter of the run. Floor fencing should also be installed. The top of the run shall be covered with additional similar fencing or netting in a manner that helps prevent chickens from straying.
- (6) The setback required for a chicken shelter and run may be reduced to five feet from any property line provided that the property adjacent to the proposed location of the chicken shelter and run is either:
- (a) Occupied primarily by a non-residential use such as church, school, or park;

- (b) A permanently dedicated easement or tract such as a native protection growth easement or open space tract that is at least 10 feet in width; or
- (c) A street or permanent trail or access corridor that includes a right of way at least 10 feet in width.
- (E) Confinement. Adequate measures shall be taken to provide safety for the chickens and to prevent them from straying onto adjacent property.
- (F) Animal Waste. Adequate measures shall be taken to properly dispose of animal wastes.

 Accumulation of animal waste shall be prohibited from being stored within the required fifteen-foot animal shelter setback.
- (G) Slaughter. Slaughter is intended only for personal consumption and no more than one chicken may be slaughtered on any property located in a residential zone within a twenty-four-hour period.

 Adequate measures such as arrangement with a mobile slaughter unit or veterinary service shall be taken to slaughter any more than one chicken within a twenty-four-hour period outside of any City of Redmond Residential zone.

7.04.158 Large domestic animals.

(A) [(a)] Types. Large domestic animals include horses, cattle, sheep, goats, ponies, oxen and other similar size animals <u>unless otherwise specified</u>.

Chickens, [M]mink, household pets and small domestic animals are excluded.

(B) [(b)] Shelter. Large domestic animals shall be sheltered in [SUITABLE,] clean structures. Structures, confinement and feeding areas associated with large domestic animals shall be located at least thirty feet away from any property line.

(C) Repealed by Ord. 2640. [(c) LIMITATIONS. THE MINIMUM LAND AREA REQUIRED TO MAINTAIN ANY LARGE DOMESTIC ANIMAL SHALL BE ONE ACRE, OR THE SUM OF THE REQUIRED LAND AREAS FOR EACH ANIMAL AS LISTED BELOW, WHICHEVER IS GREATER:

(1) CATTLE, PIGS OR OXEN, ONE ACRE

(2) HORSES OR PONIES, ONE-HALF ACRE

(3) SHEEP, GOATS OR LLAMAS, ONE-QUARTER

ACRE EACH; PROVIDED, THAT UN-WEANED YOUNG WILL NOT BE

COUNTED.

EXAMPLE 1: THE MINIMUM LAND AREA
REQUIRED TO MAINTAIN ONE GOAT AND ONE HORSE SHALL BE
ONE ACRE. THOUGH—THE SUM OF ONE—QUARTER ACRE FOR THE
GOAT, AND ONE—HALF ACRE FOR THE HORSE—EQUALS—THREE—
QUARTERS ACRE, THE MINIMUM LAND AREA—TO HOUSE ANY
LARGE DOMESTIC ANIMAL IS ONE ACRE.

EXAMPLE 2: THE MINIMUM LAND AREA TO

MAINTAIN ONE PIG, ONE HORSE AND TWO SHEEP IS TWO

ACRES. THIS SUM IS REACHED BY ADDING ONE ACRE FOR THE

PIG, ONE-HALF ACRE FOR THE HORSE AND ONE-QUARTER ACRE

FOR EACH OF THE TWO SHEEP.]

- (D) Repealed by Ord. 2640. [(d) CONFINEMENT:

 ADEQUATE MEASURES SHALL BE TAKEN TO PREVENT ANIMALS

 FROM STRAYING ONTO ADJACENT PROPERTY. SEE REDMOND

 ZONING CODE SECTION 21.24.050, ELECTRIC, BARBED WIRE,

 AND SWIMMING POOL FENCES.]
- (E) Repealed by Ord. 2640. [(e) ADEQUATE MEASURES
 SHALL BE TAKEN TO PROPERLY DISPOSE OF ANIMAL WASTES.
 ACCUMULATION OF ANIMAL WASTE SHALL BE PROHIBITED FROM
 BEING STORED WITHIN THE REQUIRED THIRTY-FOOT ANIMAL
 SHELTER SETBACK.]
- (F) On publicly-owned park properties, there shall be no minimum setback for existing structures

provided that section 7.04.151 Animal Structures and Runs requirements are met.

(G) Limitations. In Single-Family and Urban Recreation zones, the minimum land area required to maintain any large domestic animal shall be one acre, or the sum of the required land areas for each animal as listed below, whichever is greater. On publicly-owned park properties, there shall be no limit on the number of large domestic animals kept provided that RMC 7.04.151 Animal structures and runs requirements are met.

(1) Cattle, pigs or oxen, one acreeach;

(2) Horses or ponies, one-half acre
each;

(3) Sheep, goats or llamas, one-quarter acre each; provided, that un-weaned young will not be counted.

Example 1: The minimum land area required to maintain one goat and one horse shall be one acre. Though the sum of one-quarter acre for the goat and one-half acre for the horse equals three-quarters acre, the minimum land area to house any large domestic animal is one acre.

Example 2: The minimum land area to maintain one pig, one horse and two sheep is two acres. This sum is reached by adding one acre for the pig, one-half acre for the horse and one-quarter acre for each of the two sheep.

- (H) Confinement. Adequate measures shall be taken to prevent animals from straying onto adjacent property. See Redmond Zoning Code Section 21.24.050, Electric, Barbed Wire and Swimming Pool Fences.
- (I) Adequate measures shall be taken to properly dispose of animal wastes. Accumulation of animal waste shall be prohibited from being stored within the required thirty-foot animal shelter setback.
- Section 2. Findings and Conclusions. The City Council hereby adopts the findings and conclusions contained in the Planning Commission Report dated October 26, 2011, including all related attachments and exhibits to that report, City File No. L100259.
- Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 6th day of December, 2011.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

Michelle Cey. Cey Clee MICHELLE M. MCGEHEE, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2640

November 23, 2011

December 6, 2011

December 6, 2011

December 12, 2011

December 17, 2011

ADOPTED 5-2:

YES: Allen, Margeson, Myers, Stilin and Vache

NO: Carson and Cole