

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1340

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) ANIMALS; CHAPTER 8.02 REGARDING THE KEEPING OF POULTRY AND RABBITS

WHEREAS, Poultry regulations are codified in Chapter 8.02 of the Stanwood Municipal Code; and

WHEREAS, Stanwood Municipal Code section 8.02.350 currently allows residents to keep poultry (fowl) if they are housed a minimum of 100 feet from any adjoining residence; and

WHEREAS, the current standard has proven difficult to meet given the dimensions of most lots within the city limits and acts as a defacto prohibition on the keeping of poultry; and

WHEREAS, in response to citizen interest, City Administration directed Planning and Community Development (PCD) staff to draft amendments that would more reasonably allow keeping of poultry within the city limits; and

WHEREAS, PCD staff has drafted amendments to SMC chapter 8.02 to allow the keeping of poultry and rabbits with certain limits and conditions; and

WHEREAS, the Community Development Department filed Application 2013ZP0002 on January 24, 2013; and

WHEREAS, on February 11, a public hearing was held by the Planning Commission regarding Application 2013ZP0002 and all persons wishing to provide public input concerning the amendment were heard; and

WHEREAS, public notice of the above-referenced public hearing were provided in accordance with and as required by law; and

WHEREAS, the City Council met March 14, 2013 and March 28, 2013, to consider the proposed zoning text amendments; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed change in regulations; and

WHEREAS, consistent with State law, the City desires to update its development regulations to provide efficient administrative procedures;

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

SECTION 1. The following Findings of Fact and Conclusions are hereby adopted:

PCD receives several calls each year inquiring about the City's regulations pertaining to backyard chickens.

There is increased citizen interest in keeping backyard chickens in urban areas due to finances, health, and a movement toward sustainability.

Due to lot sizes, most lots in Stanwood cannot meet the existing separation standard in order to legally keep poultry on their property.

Individuals keeping backyard chickens and rabbits should not have a measurable negative impact on their neighbors or citizens of Stanwood.

The City has authority to require remediation of any animals that become a nuisance.

SECTION 2. SMC 8.02.020, Definitions is hereby amended as follows:
8.02.020 Definitions.

As used in this chapter, the terms defined in this section shall have the defined meanings unless the context requires otherwise; words in the present tense include the future; the singular includes the plural; plural usage includes the singular; "shall" means mandatory, not directory, and the masculine gender includes the feminine.

(1) – (9) No change.

(15) "Poultry" means chickens, turkeys, geese, ducks, pigeons, peahens, or other domestic fowl.

[Note: remainder of section to be renumbered]

(16) – (18) No change.

SECTION 3. SMC 8.02.040, Livestock not to run at large is hereby amended as follows:
8.02.040 Livestock not to run at large.

No livestock or poultry of any kind shall be allowed to run at large, during any hour of the day or night upon any unenclosed land public or private, within the city limits. (Ord. 1033, 1998).

SECTION 4. SMC 8.02.320, Restraint or enclosure is hereby amended as follows:

8.02.320 Restraint or enclosure.

All persons owning or having control or possession of any exotic animal, livestock or poultry within the city of Stanwood shall keep the same safely and appropriately enclosed at all times on the premises owned and occupied by such persons. Sufficient roaming area shall be provided. The entire square footage of roaming area shall be fenced. Fences must be of such a size and type to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. (Ord. 1033, 1998).

SECTION 5. SMC 8.02.350, Location of building – Enclosures must be clean is hereby amended as follows:

8.02.350 Location of building – Enclosures must be clean

(1) Any building inhabited by livestock shall be located at a minimum distance of 100 feet of any adjoining residence.

(2) Accessory buildings used for housing poultry or rabbits shall be provided and shall be a minimum of 4 square feet per animal. A maximum of two accessory buildings for housing poultry or rabbits shall be permitted on a lot provided that each building shall be located a minimum distance of 5 feet from any property line and 20 feet from any neighboring residence or business. Such accessory buildings shall not be located in the required front yard.

(3)All houses, pens or enclosures where poultry or rabbits are kept shall be kept clean and free from disagreeable odors. No organic materials furnishing food for flies or rodents shall be allowed to accumulate on the premises. All manure and other refuse must be kept in tightly covered fly-proof receptacles and disposed of at least once each week in a manner approved by the animal control officer. (Ord. 1033, 1998).

SECTION 6. SMC 8.02.355, Poultry and rabbits is hereby added as follows:

8.02.355 Poultry and rabbits.

(1) Poultry and rabbits are allowed as accessory to an existing residence. The number of poultry and rabbits allowed shall be limited to 1 poultry and/or rabbit per 1,000 square feet of lot area, with a maximum of 20 poultry and/or rabbits per occupied lot.

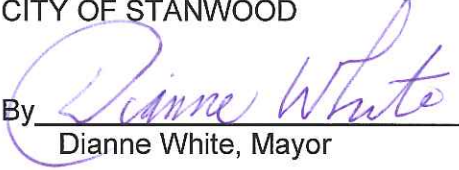
(2) No poultry shall be allowed to disturb persons with loud and continuous noises. At no time shall roosters or peacocks be allowed to be kept within the city limits.

SECTION 7. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 8. This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor this 28th day of March, 2013.

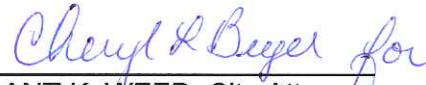
CITY OF STANWOOD

By 
Dianne White, Mayor

ATTEST:

By 
Greg Thrasher, City Clerk

Approved as to form:

By  for
GRANT K. WEED, City Attorney

Date of Publication: April 2, 2013