

0006.900150

JZL/

1/17/01

ORDINANCE NO. 3343

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING TITLE 17 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE BY ADDING A NEW CHAPTER 17.35 THERETO FOR THE PURPOSE OF REGULATING THE KEEPING OF ANIMALS WITHIN RESIDENTIAL ZONES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, many citizens of the City of Edmonds own, keep, care for, or otherwise maintain various types of animals; and

WHEREAS, the keeping of animals may have potentially adverse impacts to the public peace and welfare, including but not limited to increased noise, increased odor, and the transmission of disease; and

WHEREAS, the City Council desires to protect residential neighborhoods from the detrimental impacts caused by animals while simultaneously protecting private property rights and the ability of animal owners to enjoy their animals; and

WHEREAS, the City Council held public hearings on November 16, 1999 and January 16, 2001 to accept and consider public comment concerning the control of animals and the adequacy of the City's current regulations to address this issue; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 17 of the Edmonds City Code is hereby amended by adding a new Chapter 17.35 to read in its entirety as follows:

CHAPTER 17.35 ANIMALS

17.35.010 Purpose

17.35.020 Definitions

17.35.030 Keeping of Domesticated Animals in Residential Zones

17.35.040 Keeping of Poultry and Covered Animals in Residential
Zones

-

17.35.010 Purpose

The City Council finds and declares that the City of Edmonds is a developed urban community of primarily residential character. The purpose of this chapter is to reasonably regulate the owning and keeping of animals in a manner to promote and protect the urban residential character of the City.

17.35.020 Definitions

For purposes of this chapter, the definitions set forth in ECC 5.05.010 shall apply unless modified herein.

17.35.030 Keeping of Domesticated Animals in Residential Zones

For each residential dwelling unit, regardless of the number of occupants residing within such dwelling unit, the following maximum number of domestic animals may be kept or owned within the dwelling unit and upon the lot or premises associated with such dwelling unit:

1. Household Pets in numbers normally and commonly associated with the primary residential use of the dwelling unit. "Household pets" are animals commonly or normally kept or owned in association with a residential dwelling unit and which are generally kept or housed within the interior of the dwelling unit, including such animals as hamsters, mice, gerbils, guinea pigs, non-venomous snakes, parakeets, canaries, finches, and other songbirds, small non-venomous reptiles and amphibians, and fish.
2. Five (5) or fewer Domestic Animals.
3. One unweaned litter produced by any Domestic Animal permitted to be kept by this chapter, provided that the total number of Domestic Animals kept shall not exceed that number provided in subsection (2) above, more than one hundred eighty (180) days following the birth of the litter.

17.35.040 Keeping of Poultry and Covered Animals in Residential Zones

- A. The keeping of poultry or Covered Animals within a residential dwelling unit, or upon the premises connected therewith, shall be prohibited except as provided herein.
- B. Covered animals are permitted to be kept on residential property zoned for single family use (R zones) so long as they meet the requirements of ECC 5.05.0130.
- C. Any poultry presently and permanently being kept upon the premises of a residential dwelling unit on the effective date of this ordinance shall be permitted under the provisions of this chapter provided that such use is registered with the City of Edmonds Development Services Department as described in section D, below, and that the poultry is kept in strict compliance with the provisions of ECC 5.05. In the event that the keeping of

poultry is discontinued on the premises for a continuous period of more than ninety (90) days, the use shall be considered terminated and the continued keeping of poultry shall not be permitted.

D. Commencing on February 5, 2001, a registration period of six months, ending August 6, 2001 at 5:00 p.m., is hereby established for the registration of the keeping of poultry currently occurring in single family zones. Upon receipt of the registration, the City shall develop a schedule for the inspection of such poultry uses to determine compliance with ECC 5.05. If the keeping of poultry is both registered and determined to be in compliance with ECC 5.05, then the keeping of poultry shall be considered to be established as a legal nonconforming use.

E. Legal nonconforming keeping of poultry shall receive a permit certificate confirming such status and listing the physical dimensions and other characteristics of the use, provided, however, that the registration and permit of a formerly illegal poultry use may be revoked and/or conditioned in accordance with the provisions of Section 20.100.040.

F. Failure to register the keeping of poultry with the City of Edmonds Development Services Department within the time period established by the provisions of this ordinance shall be considered to be presumptive proof that such activity is illegal and subject to abatement. The keeper of such poultry may overcome such a presumption only by presentation of substantial and competent evidence which establishes the legal nonconforming nature of such use by clear and convincing evidence that the use was permitted by Snohomish County or the City of Edmonds, was permitted by such agency and was in complete compliance with the applicable provisions of State law and County or City ordinance, at the date such use was initiated and established.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR, GARY HAAKENSON

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 01/26/2001

PASSED BY THE CITY COUNCIL: 01/30/2001

PUBLISHED: 02/04/2001

EFFECTIVE DATE: 02/09/2001

ORDINANCE NO. 3343

-

SUMMARY OF ORDINANCE NO. 3343

of the City of Edmonds, Washington

On the 30th day of January, 2001, the City Council of the City of Edmonds, passed Ordinance No. 3343. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING TITLE 17 OF THE EDMONDS CITY CODE BY ADDING A NEW CHAPTER 17.35 THERETO FOR THE PURPOSE OF REGULATING THE KEEPING OF ANIMALS WITHIN RESIDENTIAL ZONES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 31st day of January, 2001.

CITY CLERK, SANDRA S. CHASE