

ORDINANCE NO. 4538

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, AMENDING SECTION 5.30.040 OF THE ELLENSBURG MUNICIPAL CODE AND ADDING A NEW SECTION 5.30.310 ENTITLED "KEEPING OF CHICKENS."

WHEREAS, many cities throughout the state of Washington and the United States permit the keeping of limited numbers of chickens within city limits for uses such as children's educational purposes and nutritional consumption (e.g., fresh eggs); and

WHEREAS, the keeping of chickens (hens only) at only single-family dwellings in the City of Ellensburg as accessory uses is an appropriate activity in the City, subject to reasonable regulations; and

WHEREAS, it is reasonable that such regulations establish standards for the keeping of chickens in a manner which will not endanger the health, peace and safety of the citizens of the city and which will assure that chickens are kept in clean and sanitary conditions and not be subjected to suffering, cruelty or abuse,

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

Section 1. Ellensburg Municipal Code Section 5.30.040, as last amended by Ordinance No. 4481 is hereby amended to read as follows:

5.30.040 Definitions.

As used in this chapter, the following terms mean:

A. "Altered" means, as used herein, a neutered male animal or a spayed female animal.

B. "Animal" means any live, nonhuman species of mammal, bird, reptile or amphibian, domestic, wild or exotic.

C. "Animal control authority" means the division of the Ellensburg police department vested with responsibility for enforcement of the animal control laws of the city and state and the shelter and welfare of animals.

D. "Animal control officer" means any person employed or appointed by the city of Ellensburg or the Ellensburg police department to enforce the provisions of this chapter or any other law or ordinance relating to the licensing, care and control of animals, or seizure and impoundment of animals. An animal control officer shall have the same powers granted to animal control officers as set forth in Chapter 16.52 RCW.

E. "Animal shelter" means the city's facility or contracted provider facility operated for the purpose of impounding animals under the authority of this chapter or state law for care, housing, consignment, return to owner, adoption, or euthanasia.

F. "At large" means to be off the premises of the owner and not under the control of a competent person authorized by the owner, whether by leash or otherwise; but an

animal within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

G. "Chicken" means a member of the species *Gallus gallus* (*G. gallus domesticus*), a common domestic fowl.

GH. "City" means the city of Ellensburg.

HI. "Dangerous animal" means any animal that (1) inflicts severe injury on a human being without provocation on public or private property, (2) kills a domestic animal without provocation while the animal is off the owner's property, or (3) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans.

IJ. "Domestic animal" means any animal that is usually tamed and bred by humans.

JK. "Exotic animal" means any animal which is not commonly domesticated or which is not native to or usually found in the United States, including:

1. All wild cats of the family Felidae and their hybrid, except for the domestic cat, *Felis catus*;
2. All species of bear;
3. All wild carnivores of the family Canidae (such as wild dogs, wolves, coyotes, jackals or foxes) and their hybrid, except for the domestic dog, *Canis familiaris*;
4. Venomous reptiles and amphibians;
5. All reticulated pythons, Burmese pythons and snakes which may reach 10 feet or more in length;
6. All members of the families Alligator (*Alligator*), Crocodile (*Crocodylus*) and Caiman (*Crocodylus*);
7. All nonhuman primates; and
8. All marsupials.

KL. "Harbor" means to perform any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's house by the homeowner. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

LM. "Livestock" means an animal usually found on a farm, including, but not limited to, horses, mules, bovine animals, sheep, goats, llamas, ostriches and swine; except "livestock" shall not mean miniature pot-bellied pigs.

MN. "Owner" means any person harboring an animal, having an interest in or right of possession to an animal, or any person having control, custody or possession of any animal, or by reason of the animal being seen consistently at a location, shall be presumed to be the owner.

NO. "Person" means an individual, partnership, firm, corporation, association, or other legal entity.

OP. "Potentially dangerous animal" means any animal that when unprovoked: (1) inflicts bites on a human or domestic animal either on public or private property, or (2) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any animal with a known propensity,

tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

PQ. Restraint. An animal is considered to be under restraint if it is secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property and/or vehicular property limits of its owner or other authorized person.

QR. "Vicious" means the propensity to do any act that might endanger the safety of a person, animal or property of another, including, but not limited to, a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play, or outbreak of untrained nature.

RS. "Wild animal" means an animal living in its natural state and native to the United States and not normally domesticated, raised or bred by humans, except the following: human beings, domestic dogs (excluding hybrids with wild dogs, wolves, coyotes, foxes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, captive-bred species of common cage birds and other commonly owned pets such as goldfish. [Ord. 4481 § 2, 2007; Ord. 4235, 2000; Ord. 3688 § 1, 1990.]

Section 2. A new section entitled "5.30.010 Chickens" is hereby added to the Ellensburg Municipal Code to read as follows:

5.30.310 Keeping of Chickens.

A. The intent of this section is to establish standards for the keeping of chickens in a manner which will not endanger the health, peace and safety of the citizens of the city and which will assure that chickens are kept in a clean and sanitary condition and not subjected to suffering, cruelty or abuse.

B. Chickens are permitted to be kept and maintained only at single-family dwellings in the city as accessory uses, in accordance with applicable City regulations pertaining to animals, and subject to the following requirements:

1. No more than four (4) chickens are allowed at each such single family dwelling.

2. Male chickens over four (4) months old are not allowed.

3. Chickens shall be kept in a well ventilated, enclosed coop constructed to protect the chickens against varying weather conditions and predators. The coop shall have an attached, enclosed run. The coop and run combined shall provide a minimum of ten (10) square feet of ground space per chicken.

4. All coops and runs shall be located within a rear yard only. Coops shall be at least twenty-five (25) feet from any neighboring dwelling and ten (10) feet from any property line. No portion of any run shall be within ten (10) feet of any property line unless the property line abuts an alley.

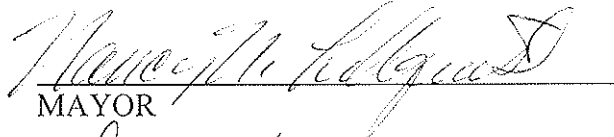
5. All coops and runs shall be kept in a neat, sanitary, dust-free condition and must be cleaned on a regular basis so as to prevent offensive odors.

C. Any person who violates any provision of this section shall be guilty of a Class 1 civil infraction.

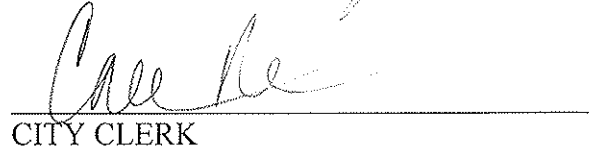
Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force (5) five days after its passage, approval and publication.

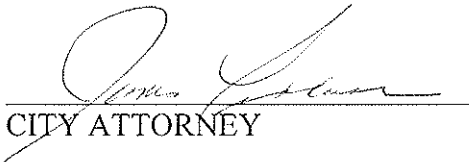
The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 2nd day of March, 2009.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISH: 3/5/09

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4538 is a true and correct copy of said Ordinance of like number of said City as the same was passed by said Council, and that Ordinance No. 4538 was published as required by law.


COREEN M. RENO, CMC