

ORDINANCE NO. 1040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING TITLE 6 AND TITLE 12 OF THE LAKE FOREST PARK MUNICIPAL CODE WHICH ESTABLISHES PROVISIONS FOR BEEKEEPING, THE KEEPING OF CHICKENS, AND REGULATIONS TO ADDRESS WILDLIFE INTERACTIONS

WHEREAS, the City of Lake Forest Park has the authority to adopt ordinances for the general welfare of its citizens; and

WHEREAS, certain provisions of the Lake Forest Park Municipal Code require revision; and

WHEREAS, the health and welfare of animals in Lake Forest Park is a concern of the City of Lake Forest Park; and

WHEREAS, the City of Lake Forest Park commissioned a wildlife task force to identify opportunities to improve the health and welfare of animals in Lake Forest Park; and

WHEREAS, the City supports the efforts of the citizens to produce their own nutritious food for home consumption and, in addition, seeks to protect the peacefulness and health of the neighborhoods; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend Title 6 and Title 12 of the Lake Forest Park Municipal Code as set forth in this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 6.02.020, "Definitions – Lake Forest Park" of the Lake Forest Park Municipal Code is amended as follows:

**Section 6.02.020
DEFINITIONS – LAKE FOREST PARK**

The following definitions shall apply in this title:

A. "At large" means to be off the premises of the owner and not under the control of the owner by leash; provided, that an animal within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

B. "Chief of police" means the chief of police of the city or any other person acting under his order or direction, or officers or representatives of the King County animal control authority so authorized to act on behalf of the city under an interlocal agreement.

C. "Exotic animal" means any of the following:

1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;
2. Nonhuman primates and prosimians;
3. Bears;
4. Nondomesticated species of felines;
5. Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids;
6. The order crocodillia, including alligators, crocodiles, caimans and gavials.

~~D. "Fowl" means any and all fowl and/or birds, both domesticated and wild, male and female, singular and plural.~~

~~ED. "Leash" means and includes a cord, thong or chain not more than 15 feet in length by which an animal is physically controlled by the person accompanying it.~~

~~EE. "Pen" means that area within which any animal or fowl shall be confined exclusive of a shelter or stable.~~

~~EF. Restraint. An animal is considered to be under "restraint" if it is maintained and remains within the property limits of its owner or keeper (KCC 11.08.020).~~

HG. "Wild animal" means any of the following:

1. Nondomesticated species of birds or fowl;
2. Nondomesticated species of snake or any other animal not considered an "exotic animal" as defined in this title.

HH. "Beehive" means a structure designed to contain one colony of honey bees (*apis mellifera*). (Ord. 820 § 1, 2000; Ord. 607 § 4, 1994)

Section 2. Chapter 6.04, "Animals – Care and Control" of the Lake Forest Park Municipal Code is amended as follows:

**Chapter 6.04
ANIMALS – CARE AND CONTROL**

Sections:

- 6.04.020 At large – Public nuisance.
- 6.04.030 Minimum lot area.
- 6.04.040 Setback from other dwellings.
- 6.04.050 Enclosure – Setback.
- 6.04.060 Enclosure – Drainage.
- 6.04.070 Enclosure – Maintenance.
- 6.04.080 Enclosure – Offensive condition.
- 6.04.090 Enclosure – Housekeeping.
- 6.04.100 Enclosure – Rat control.
- 6.04.105 Beekeeping as a permitted accessory use.
- 6.04.108 Keeping of chickens as a permitted accessory use.
- 6.04.110 Noise nuisance.
- 6.04.120 Exotic/wild animals prohibited as pets.
- 6.04.125 Exotic/wild animals permitted – Prior approval.
- 6.04.126 Exotic/wild animals – Licenses.
- 6.04.130 Impoundment authorized.
- 6.04.140 Interfering with enforcement.
- 6.04.150 Biting animals.
- 6.04.160 Notice of impounding.
- 6.04.170 Vicious animals ~~or fowl~~.
- 6.04.180 Animal control sanitation offenses.
- 6.04.190 Adoption of state laws.
- 6.04.200 Feeding Wildlife.
- 6.04.210 Wildlife.
- 6.04.220 Traps.
- 6.04.230 Poison.
- 6.04.240 Animal Housing.

6.04.020 At large – Public nuisance.

No owner or custodian of animals ~~or fowl~~ shall permit them to go at large. A violation of this section is a nuisance and dangerous to the public health, safety and welfare. (Ord. 177 § 2, 1970)

6.04.030 Minimum lot area.

The minimum lot area on which any livestock or large animal, ~~other than domestic dogs, cats and other small animals or fowl normally housed in a residence~~ may be sheltered, stabled or penned, including the area used for residential purposes, shall be 20,000 square feet for the first such animal and plus 5,000 square feet for each additional animal. ~~A variance to lot size may be requested from the city council for special cases. Any variance granted by the city council would be subject to written approval of all adjoining property owners.~~ (Ord. 228, 1976; Ord. 177 § 3, 1970)

6.04.040 Setback from other dwellings.

It is unlawful for any owner or custodian to tether, shelter or stable any animal ~~or fowl~~ within 25 feet of any property line or neighboring dwelling in the city, or any swine within 300 feet thereof, except as permitted by 6.04.108, unless the adjoining owner agrees in writing to a lesser distance and such written consent is filed with the city clerk. (Ord. 177 § 4, 1970)

6.04.050 Enclosure – Setback.

Fences which pen animals ~~or fowl~~, except domestic dogs and cats, shall be set back not less than three feet from the property line. (Ord. 177 § 5, 1970)

6.04.060 Enclosure – Drainage.

No pen, shelter, stable or grazing area for any animal ~~or fowl~~ shall be built or maintained on marshy ground subject to overflow, in any environmentally sensitive areas or their buffers, in accordance with LFPMC 16.16, ~~nor within 25 feet of any stream or other source of water supply.~~ (Ord. 177 § 6, 1970)

6.04.070 Enclosure – Maintenance.

All fences, shelters, stables or pens which confine any animals ~~or fowl~~ shall be maintained in an adequate condition for such purposes. (Ord. 177 § 7, 1970)

6.04.080 Enclosure – Offensive condition.

No owner or custodian of any animals ~~or fowl~~ shall keep, harbor or maintain any such animal ~~or fowl~~, or any pen, kennel, yard, enclosure or building in which such animals ~~or fowl~~ are kept, in such a manner as to be nauseous, foul or offensive. (Ord. 177 § 8, 1970)

6.04.090 Enclosure – Housekeeping.

No organic material furnishing food for flies shall be allowed to accumulate in any shelter, stable or pen. 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 city health officer. (Ord. 177 § 9, 1970)

6.04.100 Enclosure – Rat control.

All shelters, stables or pens where any animals ~~or fowl~~ are kept shall be free from rats or rat harborages. (Ord. 177 § 10, 1970)

6.04.105 Beekeeping as a permitted accessory use.

Beekeeping is permitted as an accessory use on single-family residential lots of at least 10,000 square feet, ~~when registered with the State Department of Agriculture, and provided that:~~ in accordance with this chapter and Table 1.

Table 1

<u>Single Family Lot Size</u>	<u>Maximum Number of Hives</u>
Up to 10,000 square feet	<u>2</u>
10,001 to 12,500 square feet	<u>4</u>
12,501 to 15,000 square feet	<u>5</u>
15,001 to 17,500 square feet	<u>6</u>
17,501 to 20,000 square feet	<u>7</u>
20,001 to 22,500 square feet	<u>8</u>
22,501 to 25,000 square feet	<u>9</u>
25,001 square feet and larger	<u>10</u>

A. ~~No more than four hives, each with only one swarm, shall be kept. For each 2,500 square feet of lot area in excess of 10,000 square feet, one additional hive may be kept, up to a maximum of 10 hives. Hives shall not be located within 25 feet of any property line. No hives shall be located in environmentally sensitive areas or their buffers, in accordance with LFPMC 16.16.~~

B. ~~Hives shall not be located within 25 feet of any property line. Each hive shall have only one swarm.~~

C. It shall be the duty of any person, firm or corporation having honey bees, *apis mellifera*, on its property to maintain each colony in the following condition:

1. Colonies shall be maintained in movable-frame hives.
2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
3. Colonies shall be re-queened following any swarming or aggressive behavior.
4. Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space structures except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 18.71 LFPMC, Code Enforcement.

D. All colonies shall be registered with the Director of Agriculture pursuant to RCW 15.60.030 prior to April 1st of each year. (Ord. 820 § 2, 2000)

6.04.108 Keeping of chickens as a permitted accessory use.

Chickens may be kept within the city limits of Lake Forest Park in accordance with this chapter and Table 2.

Table 2

<u>Single Family Lot Size</u>	<u>Maximum Number of Chickens</u>
Up to 10,000 square feet	<u>8</u>
10,001 to 12,500 square feet	<u>9</u>
12,501 to 15,000 square feet	<u>10</u>
15,001 to 17,500 square feet	<u>11</u>
17,501 to 20,000 square feet	<u>12</u>
20,001 to 22,500 square feet	<u>13</u>
22,501 to 25,000 square feet	<u>14</u>
25,001 square feet and larger	<u>15</u>

- A. No roosters are allowed.
- B. Henhouses, coops, and chicken tractors shall not be located within 10 feet of any residential structure on an adjacent lot.
- C. Henhouses, coops, and chicken tractors including chicken runs shall not exceed one hundred twenty (120) square feet in area and eight (8) feet in height unless a building permit is issued authorizing structures of a greater area or height. No such structures shall be located in environmentally sensitive areas or their buffers, in accordance with LFPMC 16.16.

6.04.110 Noise nuisance.

No owner or custodian of animals ~~or fowl~~ shall permit them to remain outside of the dwelling of such owner or custodian while such animal ~~or fowl~~ is causing or emitting frequent, excessive or long continued noise which disturbs or is likely to disturb the comfort or repose of other persons in the neighborhood. A violation of this section is a public nuisance and adverse to the public welfare. (Ord. 177 § 11, 1970)

6.04.120 Exotic/wild animals prohibited as pets.

The possession or maintenance of an exotic or wild animal by private citizens as pets is prohibited, except for those animals previously authorized as otherwise provided in this title of the municipal code. (Ord. 592 § 3, 1994)

6.04.125 Exotic/wild animals permitted – Prior approval.

If an owner possessed or maintained an exotic or wild animal on or before the effective date of the ordinance codified in this section with the expressed permission of the city in accordance with the provisions of this code in effect at that time, then the owner may continue to possess and maintain such animal, if the owner satisfies the licensing requirements for such animals as is otherwise provided in this title of the municipal code. (Ord. 592 § 4, 1994)

6.04.126 Exotic/wild animals – Licenses.

The King County animal control authority, acting on behalf of the city, may cause to be issued an exotic or wild animal owner's license to those owners that meet the conditions of LFPMC 6.04.125; provided, that the application is accompanied by the license fee, contains the information required by KCC 11.28.050, which is adopted by reference elsewhere in this title; and meets the cage or confinement rules and regulations of the King County animal control authority. The fee for such license shall be as provided for in KCC 11.04.035, which is adopted by reference elsewhere in this title. All licenses shall expire one year from the date of original application. (Ord. 592 § 5, 1994)

6.04.130 Impoundment authorized.

For any violation of this chapter, the chief of police may cause any such offending animal ~~or fowl~~ to be impounded in a suitable animal shelter, stable or pen. (Ord. 177 § 13, 1970)

6.04.140 Interfering with enforcement.

It is unlawful for any person to interfere with, hinder, delay or impede the chief of police in the enforcement of the provisions of this chapter. (Ord. 177 § 14, 1970)

6.04.150 Biting animals.

The chief of police, upon receiving notice that an animal ~~or fowl~~ has bitten any person, is authorized to impound, after identification of the animal ~~or fowl~~ by the victim or a witness, and hold the animal ~~or fowl~~ under observation and for an examination by a veterinarian for a period of not less than 10 days. (Ord. 177 § 15, 1970)

6.04.160 Notice of impounding.

No later than three days after the impounding of any animal ~~or fowl~~ under the provisions of this chapter, the owner or custodian, if known, shall be notified, either in person or by first class mail, of the impounding, describing the animal ~~or fowl~~ and the place and time of taking. If the owner or custodian is unknown, the chief of police shall maintain for public inspection for a period of not less than five calendar days a written record of such impounding. (Ord. 177 § 16, 1970)

6.04.170 Vicious animals ~~or fowl~~.

For a violation of this chapter, with reference to a vicious animal ~~or fowl~~, the owner or custodian of such animal may, in addition to any other penalties provided for in this code, be required to remove such animal ~~or fowl~~ from the corporate limits of the city within 24 hours following conviction, or be ordered to make suitable arrangements within 24 hours following conviction to confine safely such vicious animal ~~or fowl~~ upon the owner's or custodian's property. On conviction by the court of failure to comply with such order such animal ~~or fowl~~ may be impounded and destroyed forthwith. (Ord. 192, 1972; Ord. 177 § 20(a), 1970)

6.04.180 Animal control sanitation offenses.

A. It is unlawful for an owner to:

1. Fail to remove the fecal matter deposited by his/her animal on public property or private property of another before the owner leaves the immediate area where the fecal matter was deposited;
2. Fail to have in his/her possession the equipment necessary to remove his/her animal's fecal matter when accompanied by said animal on public property or public easement.

B. Owners of duly licensed guide dogs shall be exempted from subsections (A)(1) and (2) of this section. (Ord. 598 § 1, 1994)

6.04.190 Adoption of state laws.

The following statutes of the state of Washington (now in effect and as subsequently amended) are adopted by reference as if set forth in full:
RCW 16.36.050(3), (4) and (5); 16.36.060; 16.36.080(5); 16.36.110(1); 16.44.130; 16.44.140 and 16.44.180. (Ord. 762 § 3, 1998)

6.04.200 Feeding Wildlife.

It is unlawful in any manner to directly or indirectly feed any wild animal, excluding the use of hanging bird feeders that provide seed, suet or nectar for a variety of common birds.

6.04.210 Wildlife.

It is unlawful in any manner to tease, annoy, disturb, molest, catch, injure or kill or to throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird, fowl or fish, subject to the limitations and conditions established under RCW 77.36.030(1), which establishes limitations and conditions for trapping or killing wildlife threatening human safety or causing property damage, and/or the City's accepted wildlife management plan.

6.04.220 Traps.

It is unlawful to use steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps, neck snares, and non-strangling foot snares to capture or attempt to capture any animal.

6.04.230 Poison.

It is unlawful to poison or attempt to poison any animal using sodium fluoroacetate, also known as compound 1080, or sodium cyanide.

6.04.240 Animal Housing.

Any animal as defined in Chapter 6.02 and any livestock, small animal or pet that lives outdoors must be sheltered, stabled or penned in a manner that prevents predation.

Section 23. Section 12.08.060 of the Lake Forest Park Municipal Code is amended as follows:

12.08.060 Wildlife

It is unlawful in any manner to tease, annoy, disturb, molest, catch, injure or kill or to throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird, fowl or fish, in any park, or to feed any fowl except at areas designated by the city council with the advice of the commission in any park, excluding the actions associated with the City's accepted wildlife management plan.

Section 34. This ordinance shall take effect after the publication and posting as provided by law.

PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park City Council this 31st day of May 2012.

APPROVED:



Mary Jane Goss, Mayor

ATTEST/AUTHENTICATED:



Susan Stine, City Clerk

Introduced: March 22, 2012
Re-introduced: April 26, 2012
Public Hearing: May 10, 2012
Final Action: May 24, 2012
Posted: June 5, 2012
Published: June 4, 2012