

ORDINANCE NO. 3988

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE CHAPTERS 5.05, 5.30, 16.20, 16.30 AND 17.35, TO CONSOLIDATE EDMONDS CITY CODE SECTIONS DEALING WITH ANIMAL CONTROL INTO CHAPTER 5.05, TO AMEND THE ANIMAL NOISE PROVISION OF SECTION 5.05.115, AND TO AMEND THE SYSTEM OF PENALTIES FOR VIOLATIONS OF SECTION 5.05.115; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Chapter 5.05 of the Edmonds City Code (ECC) regards animal control; and

WHEREAS, Section 5.30.130(A) of the Edmonds City Code regards public disturbance noises made by animals; and

WHEREAS, Chapter 16.20 of the Edmonds Community Development Code regards Single Family Residential, and includes a clause referencing ECC 5.05; and

WHEREAS, Chapter 16.30 of the Edmonds Community Development Code regards Multiple Residential, and includes a clause referencing ECC 5.05; and

WHEREAS, Chapter 17.35 of the Edmonds City Code regards animals in the context of general zoning regulations, including the keeping of animals in residential zones; and

WHEREAS, the City of Edmonds has determined that all Edmonds City Code sections regarding animals must be consolidated into one chapter, and has determined to repeal and recodify chapters to integrate all animal control provisions into Chapter 5.05; and

WHEREAS, the City of Edmonds has determined to repeal Section 5.30.130(A) of the Edmonds City Code and amend the animal noise provision of Section 5.05.115 of the Edmonds City Code to consolidate these chapters most efficiently; and

WHEREAS, the City of Edmonds has determined that Section 5.05.115 of the Edmonds City Code requires further specificity about what constitutes animal noises that can disturb neighbors to an unreasonable degree; and

WHEREAS, the City of Edmonds has determined that the penalties for violations of Section 5.05.115 of the Edmonds City Code should be assessed in a tiered system, allowing for both civil infractions and criminal misdemeanors for repeated violations;

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

Section 1. Section 5.30.130 of the ECC, entitled “Public disturbance noises,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

5.30.130 Public disturbance noises.

It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow to originate from the property, unreasonable noise which disturbs another, and to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a police officer. Public disturbance noises shall include, but shall not be limited to, the following sounds or combinations of sounds:

~~A. Frequent, repetitive or intermittently continuous sounds made by any animal except that such sounds made in animal shelters or in commercial kennels duly licensed shall be exempt.~~

BA. Frequent, repetitive or intermittently continuous sounds made by any horn or siren attached to a motor vehicle except such sounds that are made to warn of danger or that are specifically permitted or required by law.

CB. Frequent, repetitive or intermittently continuous sounds made in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, race vehicle, off-highway vehicle or internal combustion engine.

DC. Loud and frequent, repetitive or intermittently continuous sounds made by the use of a musical instrument or instruments or other device capable of producing sound when struck by an object, of a whistle, or of a sound amplifier or other device capable of producing, amplifying or reproducing sounds.

~~ED.~~ Loud and frequent, repetitive or intermittently continuous sounds made by the unamplified human voice or voices between the hours of 10:00 p.m. and 7:00 a.m.

~~FE.~~ Sounds made for any duration or frequency from the starting and/or running of the engine of a race vehicle.

Section 2. Section 17.35.030 of the ECC, entitled “Keeping of domesticated animals in residential zones,” is hereby recodified and amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

~~17.35.030~~ 5.05.015 **Keeping of domesticated animals in residential zones.**

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

A. 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, nonvenomous snakes, parakeets, canaries, finches, other songbirds, small nonvenomous reptiles and amphibians, and fish;

B. Five or fewer domestic animals;

C. 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 B of this section more than 180 days following the birth of the litter;

~~D. Up to three domestic female chickens on a lot(s) or premises associated with a single-family residential dwelling unit, except as otherwise grandfathered under current law. A chicken coop or other pen or enclosure is an accessory structure and shall comply with all bulk requirements of the applicable zone. An accessory dwelling unit shall not be considered as a separate dwelling unit when determining the number of chickens that may be kept on a single-family lot or lots (when a single-family residence is located on more than one lot).~~

Section 3. Section 5.05.115 of the ECC, entitled “Nuisances defined,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

5.05.115 Nuisances defined.

A. All violations of this ~~chapter-section~~ are detrimental to the public health, safety and welfare and are declared to be public nuisances.

B. Nuisances are hereby defined to include, but are not limited to, the following:

1. Any animal which chases, runs after or jumps at vehicles using public streets and alleys;

2. Any animal which habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways;

3. Any animal which has exhibited vicious propensities and which constitutes a danger to the safety of persons or property off his premises or lawfully on his premises;

4. A vicious animal or animal with vicious propensities which runs at large at any time, or such an animal off the owner’s premises not securely leashed on a line or confined and in the control of a person of suitable age and discretion to control or restrain such animal;

5. Any animal which howls, yelps, whines, barks or makes any noises in such a manner as to disturb any person or neighborhood to an unreasonable degree, taken to be continuous noise for a period of ten (10) or more minutes or intermittent noise that totals a period of twenty (20) or more minutes, except that such sounds made indoors in animal shelters or in commercial kennels duly licensed shall be exempt;

6. Animals kept, harbored or maintained and known to have a contagious disease, unless under the treatment of a licensed veterinarian;

7. Animals running in packs;

8. Any dog running at large within the city;

9. A female animal, whether licensed or not, while in season, accessible to other animals for purposes other than controlled and planned breeding;

10. Any animal which causes damage to property other than the property of the animal's owner or person having physical charge and control of the animal; or

11. Any animal maintained in violation of any provision of this chapter.

C. All nuisances under this ~~chapter~~ section shall be abated as provided in this chapter. In addition, any owner or person having charge of any animal who fails to abate such nuisance shall be ~~guilty of a misdemeanor with a maximum penalty of \$1,000 fine and/or 90 days in jail.~~ subject to the following penalties:

1. Any person violating any provision of this section shall be guilty of a civil infraction, which shall be punishable by a fine of \$100.

2. Any person committing a second violation of any provision of this chapter within one calendar year shall be guilty of a civil infraction, which shall be punishable by a fine of \$250.

3. Any person committing a third violation of any provision of this chapter within one calendar year shall be guilty of a misdemeanor and, upon conviction thereof, be sentenced to a fine not to exceed \$1,000 and/or 90 days in jail.

Section 4. Section 17.35.040 of the ECC, entitled "Keeping of poultry and covered animals in residential zones," is hereby recodified and amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

17.35.040-5.05.130.1 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 and in~~ ECC 5.05.015(D) in this chapter.

B. Up to three domestic female chickens may be kept on a lot(s) or premises associated with a single-family residential dwelling unit. A chicken coop or other pen or enclosure is an accessory structure and subject to all requirements of the applicable zone. An accessory dwelling unit shall not be considered as a separate dwelling unit when determining the number of chickens

that may be kept on a single-family lot or lots (when a single-family residence is located on more than one lot).

~~BC.~~ 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 5.05.130.

~~C.~~ Any poultry presently and permanently being kept upon the premises of a residential dwelling unit on the effective date of the ordinance codified in this chapter 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 subsection D of this section, and that the poultry is kept in strict compliance with the provisions of Chapter 5.05 ECC. In the event that the keeping of poultry is discontinued on the premises for a continuous period of more than 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 Chapter 5.05 ECC. If the keeping of poultry is both registered and determined to be in compliance with Chapter 5.05 ECC, 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 ECC 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 the ordinance codified in this chapter 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.~~

~~G. The amendment of the definition of poultry was expanded by the passage of Ordinance No. 3655. In order to permit owners of poultry not previously regulated under the provisions of this code the same rights and privileges previously extended to other poultry owners, a new registration period is established commencing July 1, 2007, and extending for a period of six months, ending on December 3, 2007, at 4:00 p.m. Commencing on that date and for the period established, the keepers of pheasants, quail, guinea fowl and pea fowl may be kept as poultry as a nonconforming use if registered pursuant to the provisions of subsections (D) and (E) of this section.~~

Section 6. Repealer. The following are hereby repealed:

- A. Section 17.35.010 of the ECC, entitled "Purpose."
- B. Section 17.35.020 of the ECC, entitled "Definitions."

Section 7. Section 16.20.010 of the ECDC, entitled "Uses," is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

16.20.010 Uses.

A. Permitted Primary Uses.

1. Single-family dwelling units;
2. Churches, subject to the requirements of ECDC 17.100.020;
3. Primary schools subject to the requirements of ECDC 17.100.050(G) through (R);
4. Local public facilities that are planned, designated, and sited in the capital improvement plan, subject to the requirements of ECDC 17.100.050;

5. Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070.

B. Permitted Secondary Uses.

1. Foster homes;
2. Home occupation, subject to the requirements of Chapter 20.20 ECDC;
3. The renting of rooms without separate kitchens to one or more persons;
- ~~4. The keeping of three or fewer domestic animals;~~
- ~~5. The keeping of horses, subject to the requirements of Chapter 5.05 ECC;~~
- ~~6~~4. The following accessory buildings:
 - a. Fallout shelters,
 - b. Private greenhouses covering no more than five percent of the site,
 - c. Private stables,
 - d. Private parking for no more than five cars,
 - e. Private swimming pools and other private recreational facilities;
- ~~7~~5. Private residential docks or piers;
- ~~8~~6. Family day-care in a residential home;
- ~~9~~7. Commuter parking lots that contain less than 10 designated parking spaces in conjunction with a church, school, or local public facility allowed or conditionally permitted in this zone. Any additionally designated parking spaces that increase the total number of spaces in a commuter parking lot to 10 or more shall subject the entire commuter parking lot to a conditional use permit as specified in subsection (D)(5) of this section, including commuter parking lots that are located upon more than one lot as specified in ECDC 21.15.075.
- ~~10~~8. Bed and breakfasts, as in ECDC 20.23.020(A)(1).

C. Primary Uses Requiring a Conditional Use Permit.

1. High schools, subject to the requirements of ECDC 17.100.050(G) through (R);

2. Local public facilities that are not planned, designated, and sited in the capital improvement plan, subject to ECDC 17.100.050;
3. Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070.

D. Secondary Uses Requiring a Conditional Use Permit.

1. Preschools;
2. Guest house;
3. Amateur radio transmitting antennas;
4. Accessory dwelling units; and
5. Commuter parking lots with 10 or more designated parking spaces in conjunction with a church, school, or local public facility allowed or conditionally permitted in this zone.
6. Bed and breakfasts, as in ECDC 20.23.020(A)(2).

Section 8. Section 16.30.010 of the ECDC, entitled “Uses,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

16.30.010 Uses.

A. Permitted Primary Uses.

1. Multiple dwellings;
2. Single-family dwellings;
3. Retirement homes or congregate care facilities, assisted living facilities;
4. Group homes for the disabled, foster family homes and state-licensed group homes for foster care of minors; provided, however, that halfway houses and group homes licensed for juvenile offenders are not permitted uses in a residential zone of the city;
5. Boarding houses and rooming houses;

6. Housing for low income elderly in accordance with the requirements of Chapter 20.25 ECDC;
7. Churches, subject to the requirements of ECDC 17.100.020;
8. Primary schools subject to the requirements of ECDC 17.100.050(G) through (R);
9. Local public facilities that are planned, designated, and sited in the capital improvement plan, subject to the requirements of ECDC 17.100.050;
10. Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070.

B. Permitted Secondary Uses.

1. All permitted secondary uses in the RS zone, if in conjunction with a single-family dwelling;
2. Home occupations, subject to the requirements of Chapter 20.20 ECDC;
- ~~3. The keeping of one domestic animal per dwelling unit in multiple family buildings, according to Chapter 5.05 ECC;~~
43. The following accessory uses:
 - a. Private parking,
 - b. Private swimming pools and other private recreational facilities,
 - c. Private greenhouses covering no more than five percent of the site in total;
- ~~5~~4. Commuter parking lots containing less than 10 designated parking spaces in conjunction with a church, school, or local public facility allowed or conditionally permitted in this zone. Any additionally designated parking spaces that increase the total number of spaces in a commuter parking lot to 10 or more shall subject the entire commuter parking lot to a conditional use permit as specified in subsection (D)(2) of this section, including commuter parking lots that are located upon more than one lot as specified in ECDC 21.15.075.

C. Primary Uses Requiring a Conditional Use Permit.

1. Offices, other than local public facilities;
2. Local public facilities not planned, designated, or sited in the capital improvement plan, subject to the requirements of ECDC 17.100.050;
3. Day-care centers and preschools for 13 or greater children;
4. Hospitals, convalescent homes, rest homes, sanitariums, and assisted living facilities;
5. Museums, art galleries, zoos, and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033;
6. Counseling centers and residential treatment facilities for current alcoholics and drug abusers;
7. High schools, subject to the requirements of ECDC 17.100.050(G) through (R);
8. Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070.

D. Secondary Uses Requiring a Conditional Use Permit.

1. Day-care facilities or preschools of any size to be operated in a separate, nonresidential portion of a multifamily residential dwelling primary permitted structure operated primarily for the benefit of the residents thereof;
2. Commuter parking lots with 10 or more designated parking spaces in conjunction with a church, school, or local public facility allowed or conditionally permitted in this zone.

Section 9. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10. Effective Date. This ordinance is subject to referendum and shall take effect thirty (30) days after final passage of this ordinance.

APPROVED:


MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	January 30, 2015
PASSED BY THE CITY COUNCIL:	February 3, 2015
PUBLISHED:	February 8, 2015
EFFECTIVE DATE:	February 13, 2015
ORDINANCE NO.	3988

SUMMARY OF ORDINANCE NO. 3988

of the City of Edmonds, Washington

On the 3rd day of February, 2015, the City Council of the City of Edmonds, passed Ordinance No. 3988. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE CHAPTERS 5.05, 5.30, 16.20, 16.30 AND 17.35, TO CONSOLIDATE EDMONDS CITY CODE SECTIONS DEALING WITH ANIMAL CONTROL INTO CHAPTER 5.05, TO AMEND THE ANIMAL NOISE PROVISION OF SECTION 5.05.115, AND TO AMEND THE SYSTEM OF PENALTIES FOR VIOLATIONS OF SECTION 5.05.115; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

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

DATED this 4th day of February, 2015.

CITY CLERK, SCOTT PASSEY

RECEIVED

MAR 02 2015

EDMONDS CITY CLERK

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH614259 ORD 3988, 3989, 3990 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 02/08/2015 and ending on 02/08/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$61.92.

Kathleen Landis

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017

Subscribed and sworn before me on this
27 day of February
2015.

Debra Ann Grigg

Notary Public in and for the State of Washington.

SUMMARY OF ORDINANCES

of the City of Edmonds, Washington

On the 3rd day of February, 2015, the City Council of the City of Edmonds passed the following Ordinances. A summary of the content of said ordinances, consisting of titles, are provided as follows:

ORDINANCE NO. 3988

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE CHAPTERS 5.05, 5.30, 16.20, 16.30 AND 17.35, TO CONSOLIDATE EDMONDS CITY CODE SECTIONS DEALING WITH ANIMAL CONTROL INTO CHAPTER 5.05, TO AMEND THE ANIMAL NOISE PROVISION OF SECTION 5.05.115, AND TO AMEND THE SYSTEM OF PENALTIES FOR VIOLATIONS OF SECTION 5.05.115; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 3989

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE 5.30 TO DEFINE "FREQUENT, REPETITIVE OR INTERMITTENTLY CONTINUOUS" IN SECTION 5.30.020, TO AMEND LANGUAGE REGARDING CITIZEN COMPLAINTS IN SECTION 5.30.140, AND TO AMEND THE SYSTEM OF PENALTIES FOR VIOLATIONS OF CHAPTER 5.30 IN SECTION 5.30.150; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 3990

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ORDINANCE NO. 3985 AS A RESULT OF UNANTICIPATED TRANSFERS AND EXPENDITURES OF VARIOUS FUNDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of these Ordinances will be mailed upon request.
DATED this 4th day of February, 2015.

CITY CLERK, SCOTT PASSEY

Published: February 8, 2015.

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