

CITY OF WHITE SALMON

ORDINANCE NO. 2012-04-887

AN ORDINANCE AMENDING WSMC 6.08, LIVESTOCK, FOWL AND OTHER FARM ANIMALS

WHEREAS, the public appeared before the City Council at its regular meeting of March 21, 2012 and spoke in favor of the City allowing chickens, ducks and rabbits for food security and for personal use within city limits.

WHEREAS, the City Council has determined that it is in the best interest of the City to revise the provisions of Chapter 6.08:

NOW, THEREFORE, the City Council of the City of White Salmon do ordain as follows:

Section 1. Chapter 6.08 of the White Salmon Municipal Code (WSMC) is incorporated here by reference and by such reference set forth at full length.

Section 2. Chapter 6.08 as currently written is repealed and hereafter shall read as follows:

Amendment key: Deleted = ~~strikethrough~~
Added = underlined

**CHAPTER 6.08
LIVESTOCK, FOWL AND OTHER ANIMALS PROHIBITED—GOATS PERMITTED
FOR REDUCTION OF FIRE RISK**

- 6.08.005 - Findings, declaration of purpose
- 6.08.010 - Livestock, fowl and other animals prohibited.
- 6.08.020 - Exceptions to chapter application.
- 6.08.025 - Chickens, ducks and rabbits permitted under limited circumstances.
- 6.08.030 - Goats permitted under limited circumstances.
- 6.08.040 - Permits to maintain goats, chicken, ducks or rabbits.
- 6.08.050 - Amendment of permits upon application therefore.
- 6.08.060 - Appeal of permit denial/revocation.
- 6.08.065 - Revocation/Removal upon revocation.
- 6.08.070 - Objections to permit.
- 6.08.080 - Violation—Penalty.

6.08.005 – Findings, declaration of purpose.

The Council finds that housing livestock, fowl and other farm animals is generally incompatible with close-density housing within the city limits due to noise,

odor and security issues. However, even in an urban setting, citizens may keep certain farm animals with minimal impact to adjoining neighbors, while helping residents access inexpensive, healthy food and environmentally-friendly alternatives to fertilizer and to controlling noxious weeds.

6.08.010 - Livestock, fowl and other animals prohibited.

Except as otherwise provided in this section, it is unlawful for any person to possess livestock including cattle, horses, swine, sheep, goats, mules, donkeys, chickens, emus, turkeys and other fowl or rabbits or to tether, graze, feed, groom or maintain the same within the city.

6.08.020 - Exceptions to chapter application.

This chapter does not apply to cats, dogs, domesticated birds or other pets maintained within residences or other fully enclosed buildings.

6.08.025 – Chickens, ducks and rabbits permitted under limited circumstances.

Upon issuance of a permit authorized in Section 6.08.040, a resident of the city may maintain chickens, ducks and rabbits as pets for personal food consumption. Any person who maintains a chicken, duck or rabbit within the city subject to permit shall provide shelter for the animal(s) in the event of extreme weather conditions; take precautions to ensure that the allowed farm animal is protected from predators; provide appropriate health care, food and water for the animal(s); ensure that they do not cause damage to the property of neighbors or others; or interfere with anyone's use or enjoyment of property.

No property owner shall maintain in excess of six (6) female chickens or ducks of either sex, or rabbits, or combination thereof. No roosters are permitted.

6.08.030 - Goats permitted under limited circumstances.

Upon issuance of a permit authorized in Section 6.08.040, a resident of the city may maintain goats solely to reduce brush and other fuels which would otherwise contribute to the risk of uncontrolled fires. Goats shall not be maintained within the city for any other purpose including meat, milk or cheese production or as pets. Any person who maintains a goat within the city subject to permit shall provide shelter for the goat in the event of extreme weather conditions; take precautions to ensure that the goat is protected from predators; provide appropriate health care, food and water for the goat; ensure that the goat does not cause damage to the property of neighbors or others; or interfere with anyone's use or enjoyment of property.

6.08.040 - Permits to maintain goats, chickens, ducks or rabbits.

A resident of the city may submit a written application to the clerk-treasurer or designee for a revocable permit to maintain goat(s) chickens, ducks, rabbits and/or goats ("Allowed Farm Animals") within the city. The application shall include the name and address of the city resident who will at all times be responsible for the

goat(s) Allowed Farm Animals in compliance with this chapter. The application shall also include at least the following information:

A. Number of goats Allowed Farm Animals to be maintained pursuant to the permit;

B. Location(s) where the goats Allowed Farm Animals will be maintained;

C. In the case of chickens, ducks and rabbits, all animals must be contained inside a secure enclosure with interior dimensions of not less than three square feet per animal, or larger area if required for the animals' or residents' health or safety, with not less than five feet of setback from dwellings;

~~C~~ D. In the case of goats, tethering or fencing planned or in place to prevent damage to neighboring properties and an explanation Explanation as to why goat(s) are the preferable method for controlling brush and reducing fuel;

~~D~~ E. Where and how shelter will be provided for the goats Allowed Farm Animals in the event of extreme weather conditions;

~~E~~ F. How the goats Allowed Farm Animals will be protected from predators, including dogs, wolves, coyotes, cougars, etc.;

~~F~~ G. Planned health care provisions for the goats Allowed Farm Animals;

~~G~~ H. Tethering or fencing planned or in place to prevent damage to neighboring properties. The property owner's permission to allow city representatives or its designee permission to enter and inspect the facility at any reasonable time, and assuring the Director that the issuance criteria have been met. If the Director has reasonable grounds to believe that an inspection is necessary, the Director shall inspect the facility in order to determine whether the issuance criteria have been met.

In determining whether to grant or deny a permit, the clerk-treasurer or designee shall evaluate the application for consistency with the requirements of this chapter, and may obtain professional evaluations as necessary at the applicant's expense.

6.08.050 - Amendment of permits upon application therefore.

Permits for maintenance of goats may be issued or amended to allow goats to reduce fire fuel at other locations, in which case both the goat owner and property owner upon whose property the goat(s) will graze shall be jointly and severally responsible to comply with the provisions of this chapter.

Permitted Farm Animal permits may be amended from time to time as permittees' animals or conditions change, subject to any required amendment fees.

6.08.060 - Appeal of permit denial/revocation.

In the event the clerk-treasurer or designee denies a permit application or revokes a permit pursuant to this chapter, the applicant may appeal the clerk-treasurer's decision to the city council provided that the appeal is filed with the clerk-treasurer within thirty days of mailing of notice of the denial. The city council may consider the appeal based upon written submittals of the applicant and the response of the clerk-treasurer or the city council may schedule a hearing. In either event, the council shall consider the appeal within sixty days of the date it is filed. The council may grant the permit or override the permit revocation with or without conditions or uphold the clerk-treasurer's denial.

6.08.065 – Revocation/Removal upon revocation.

A. Revocation. The City Clerk/Treasurer shall have authority to revoke a permit under any of the following circumstances:

1. If over fifty percent (50%) of the total number of owners and residents of the property abutting upon the premises where the animal or animals are kept, sign and file a petition with the City Clerk requesting revocation of the permit; or
2. Violation of any of the conditions or requirements set for in the Allowed Farm Animals permit or application; or
3. Failure to pay when due any charges, penalties, fees or costs associated with the Permitted Farm Animal permit; or
4. When the owner keeps an animal or animals in such a manner as to create a public nuisance, disturb neighborhood residents because of any noise, odor or damage, or interfere with the enjoyment of property of adjacent owners or residents.

B. Upon revocation of a permit, the owner shall be allowed seven (7) days in which to remove the animal or animals. The owner shall have the right to appeal to the Council by filing an appeal with the City Clerk. The notice of appeal must be filed within five (5) days after receipt of the notice of revocation sent by the City Clerk. The revocation shall be stayed pending the hearing by the Council.

6.08.070 - Objections to permit.

Any affected person may submit objections to the city council regarding compliance with the provisions of this chapter by any person granted a permit to maintain goats Allowed Farm Animals. Upon receiving such objections, the city council shall schedule a hearing as promptly as possible after notice to the permittee at

the address provided in the application, to consider the objections. If the city council finds that the permittee has violated any provisions of this chapter, the city council may revoke the permit or modify the permit to impose appropriate conditions.

6.08.080 - Violation—Penalty.

Having animals contrary to Section 6.08.010 shall be a violation punishable by a fine of not less than two hundred dollars per animal plus any professional veterinary or other costs incurred by the City in prosecuting a violation hereof. Failure to maintain goats Allowed Farm Animals solely for the purpose identified or in the manner required under this chapter or contrary to the specific provisions of the permit issued shall be a violation punishable by a fine of not less than two hundred dollars. The City may, in its discretion, further prosecute any such violation under WSMC Ch. 8.07, Nuisances, in addition to the fines and costs levied in this section.

6.08.090 – Allowed Farm Animals permit fee.

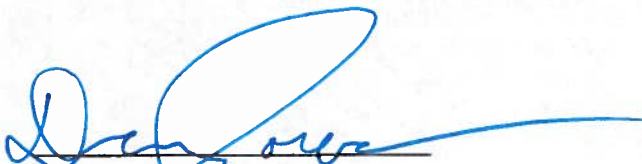
The Permitted Farm Animal permit application shall be accompanied by a non-refundable permit fee. The Council shall adopt by Resolution a schedule for permit fees under 6.08.040 and other sections of this chapter, which is incorporated herein by this reference as though fully set forth, and as may be amended from time to time.

Section 3. Severability.


If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of this Chapter or the application of the provisions to other circumstances is not affected.

Section 4. Effective date. This Ordinance shall take effect and be in force five (5) days after its publication according to law.


PASSED BY THE CITY COUNCIL OF THE CITY OF WHITE SALMON, at a regular meeting thereof and approved by the Mayor 18th day of April, 2012.



Mayor David Poucher

ATTEST:


Leana Johnson, City Clerk/Treasurer

Approved as to form only:


Kenneth B. Woodrich
City Attorney