

City of Cheney  
609 Second Street  
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON**

**ORDINANCE NO. Y-73**

**AN ORDINANCE AMENDING TITLE 21 ENTITLED "URBAN POULTRY KEEPING"  
OF THE CHENEY MUNICIPAL CODE AND PROVIDING FOR OTHER MATTERS  
RELATED THERETO**

**WHEREAS**, to preserve the public health, safety, and general welfare, updates to the zoning title are needed to bring the code into compliance with the Comprehensive Plan, and overall growth of the community; and

**WHEREAS**, the City of Cheney has had an Urban Poultry Keeping policy since 2012; though there are minimal enforcement mechanisms; and

**WHEREAS**, a failure to regulate the responsible keeping of poultry and other small fowl in an urban environment results in a public nuisance of undesirable and unhealthy waste, odors and sounds and has a propensity to attract dangerous predators that are incompatible with urban dwelling; and

**WHEREAS**, the regulating of poultry and other small fowl in urban areas in terms of nuisance sounds, odors, attracting predators, falls under the police power provisions of the City; and

**WHEREAS**, the City of Cheney would like to regulate urban poultry keeping in a respectful manner; and

**WHEREAS**, the City desires to add Chapter 21.72 to the Cheney Municipal Code to allow Urban Poultry Keeping, provided certain reasonable requirements are met; and

**WHEREAS**, the City desires to declare a public nuisance any poultry keeping that fails to comply with those reasonable requirements;

**NOW, THEREFORE**, the City Council of the City of Cheney, Washington, do ordain that the Cheney Municipal Code be amended as follows:

**Section 1. New Chapter.** A new Chapter 21.72 entitled “Urban Poultry Keeping.” is hereby added as follows:

**Chapter 21.72 – Urban Poultry Keeping.**

**Section 2. New Section.** A new Section 21.72.010 entitled “Where Permitted.” is hereby added to read as follows:

**21.72.010 – Where Permitted.**

The keeping of small fowl is permitted in the R-1, R-2, CALR, and IL zones.

**Section 2. New Section.** A new Section 21.72.020 entitled “Small Fowl Defined.” is hereby added to read as follows:

**21.72.020 – Small Fowl Defined.**

For the purposes of this chapter, small fowl includes chickens, hens, turkeys, ducks or other unlisted small fowl of similar size.

**Section 3. New Section.** A new Section 21.72.030 entitled “Standards Applicable to Urban Poultry Keeping.” is hereby added to read as follows:

**21.72.030 – Standards Applicable to Urban Poultry Keeping.**

- (1) Up to six total small fowl may be kept on lots less than or equal to 10,000 square feet in area.
- (2) On lots greater than 10,000 square feet in area, up to six small fowl may be kept, plus one additional small fowl for each additional 1,000 square feet above 10,000 square feet in area, not exceeding a total of 20 small fowl.

- (3) No roosters or geese may be kept (all zoning districts).
- (4) Small fowl shall be kept in a well-ventilated, enclosed coop constructed to protect the small fowl from predators and prevent escape.
- (5) The coop and run combined shall provide a minimum of 10 square feet of ground space per small fowl.
- (6) All coops and runs shall be located in the rear yard only.
- (7) Coops shall be at least 10 feet from any property line to minimize odor issues.
- (8) All coops and runs shall be kept in a neat, sanitary (no flies, manure, etc.), dust-free condition and must be cleaned on a regular basis so as to minimize offensive odors.

**Section 4. New Section.** A new Section 21.72.040 entitled “Nonconforming Uses – Termination” is hereby added to read as follows:

**21.72.040 – Nonconforming Uses – Termination.**

- (1) If, on the effective date of the ordinance codified in this Section, any person, firm or corporation is keeping small fowl in any manner that is contrary to or in violation of this Chapter, such keeping shall be considered a nonconforming use subject to termination in accordance with this Section.
- (2) Nonconforming uses in violation of this Chapter shall be deemed terminated and must be removed no later than one year after the effective date of the ordinance codified by this Section. During this period, no person, firm or corporation may enlarge, increase or expand the nonconforming use.

**Section 5. New Section.** A new Section 21.72.050 entitled “Enforcement” is hereby added to read as follows:

**21.72.050 – Enforcement.**

It is unlawful for any person, firm or corporation to keep small fowl in any manner that is contrary to or in violation of this Chapter. Any violation of the standards contained in this Chapter may be enforced through the provisions outlined in Cheney Municipal Code Section 2.58.020.

**Section 6. Section Amended.** Section 17.18.050 entitled “Nuisances Designated” is hereby amended to add a new Subsection (19) and read as follows:

### **17.18.050 – Nuisances designated.**

The following specific acts, omissions, places, conditions and things, including, but not limited to these, are declared to be nuisances:

- (1) The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon and private lot, building, structure or premises, or upon any street, avenue, alley, parkway, or other public or private place in the city, of any one or more of the following: unsanitary; rodent, vermin, or other wild animal harboring or attracting; mosquito, insect attracting; or, fly producing, disease-causing conditions; places or things, that is to say:
  - a. Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish, or fowl;
  - b. Privies, vaults, cesspools, sumps, pit, or like places which are not securely protected from flies, or rats etc., which are foul or malodorous;
  - c. Filthy, littered or trash covered cellars, house yards, barnyards, stable-yards, factory-yards, manufacturing-yards, vacant areas, in rear of stores, vacant lots, houses, buildings or premises;
  - d. Animal manure in any quantity which is not secured, protected from flies and the elements, or is kept or handled in violation of any ordinance of the city; or
  - e. Liquid household waste, human excreta, garbage, butcher's trimming and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided that nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner provided by the health officer, or the dumping of non-putrefying waste in a place and manner approved by the health officer.
- (2) The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon and private lot, building, structure or premises, or upon any street, avenue, alley, parkway, drive or any private driveway or other public or private place in the city, of any one or more of the following: unsanitary; rodent, vermin, or other wild animal harboring or attracting; mosquito, insect attracting; or, fly producing, disease-causing conditions; places or things, that is to say:
  - a. Tin cans, bottles, cans, ashes, small pieces of scrap iron, wire and metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster

and all such trash and abandoned materials unless they are kept in receptacles as required by ordinance;

- b. Trash, litter, rags, accumulations of empty barrels, boxes, cardboard, crates, packing cases, pallets, mattresses, bed springs, bedding, excelsior, packing straw, hay or other packing material, lumber, scrap iron, tin, and other metal or anything whatsoever in which flies, mosquitoes, rats or other rodents may breed or multiply or which may be a fire danger, or which constitutes a hazardous attraction to children;
- (3) Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure, or any building or structure commenced and left unfinished for a period of more than 365 days;
  - (4) The keeping or storing of bed mattresses, bed springs or other bedding, toilets, bathtubs, sinks, water heaters, clothes washers, cloth driers, ovens/ranges or other household appliances, and damaged or stored or discarded furniture and other household goods or items including indoor furniture left outdoors, including carports and non-enclosed porches and decks, in a residential zone or other zone within the city where such items are inconsistent with permitted uses authorized within the zone;
  - (5) All places used or maintained as junkyards, or dumping grounds, for the wrecking or dismantling of vehicles, or machinery of any kind, or for the storing or leaving of any worn out, wrecked or abandoned vehicles or machinery of any kind, or of any of the parts, tires and wheels whether on or off rims, thereof, or for the leaving or storing of any machinery or equipment used by contractors or builders or by others and which are not outlawed by zoning ordinances of the city;
  - (6) Any underground or abandoned pit, excavation, shaft, well or other uncovered hole into which a person could fall;
  - (7) The dropping or placing on any street, alley, drive or any private driveway, park or thoroughfare of any tree trimmings leaves, grass, garden debris, dirt, rock, crushed rock, sand, gravel, bricks, ashes or any foreign substance of any kind whatsoever;
  - (8) Any refrigerator, freezer, or other insulated container within which a child could suffocate pursuant to RCW chapter 9.03;
  - (9) Any sign, poster or other advertising matter of any nature placed upon any telegraph, telephone, electrical distribution pole or other poles, trees, sidewalks, streets, signs, or

other traffic control devices or other structures or places within the streets, alleys or other public places or rights-of-way which are not allowed by ordinances of the city;

- (10) Any building, house, room or other structure or vehicle, maintained or used for the purpose of lewdness, assignation, or prostitution;
- (11) All houses, rooms, booths or other structures used as a place of resort where disorderly persons are allowed to congregate, or which drunkenness is carried on or permitted;
- (12) Toxic, radioactive, caustic, flammable, explosive or other dangerous or hazardous substances, except for as housed where applicable and stored in accordance with health, environmental, fire, refuse and zoning laws;
- (13) Throwing, emptying or depositing, or allowing to be thrown, emptied, or deposited into any privately or publicly owned refuse can, dumpster, or other receptacle, any hazardous or dangerous substances;
- (14) Maintaining or allowing to grow trees, plants, shrubs, or vegetation, or parts thereof, which overhang any sidewalk or street or which are growing thereon in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, or block or impair the reasonable public view of traffic, street, or informational signs;
- (15) The growing, permitting, or allowing the growth of any grass, noxious weeds as established by RCW chapter 17.10, or uncultivated bushes and/or vines to exceed ten inches in height, or any rank vegetable growth which exudes unpleasant or noxious odors, in areas of the city other than those which have been, or shall be designated as agricultural areas pursuant to the zoning ordinance of the city. When total removal of growth from a piece of property is impractical due to size, or to environmental factors, approved fuel breaks may be established between the land and the endangered property. The width of the fuel break shall be determined by the height, type, and the amount of growth, wind conditions, geographical conditions, and type of exposures threatened, as determined by the fire chief or fire marshal;
- (16) Maintaining or keeping a junk vehicle or parts thereof in the city, except in an authorized wrecking yard as established by the City of Cheney Zoning Code;
- (17) Every person owning, occupying or controlling any premises bordering any street, alley or public place in the city limits of Cheney and allowing or permitting the growth of any grass, weeds or uncultivated bushes and/or vines to exceed ten inches in height, or any rank vegetable growth which exudes unpleasant or noxious odors between the property line of such property and the street.

(18) All partially burned structures that exist within 30 days of the date of the event burning the structure and no evidence of clearing of refuse, debris, charred lumber, or rehabilitation occurs. For structures that are destroyed in their entirety and incapable of rehabilitation, all debris, refuse, material or charred lumber must be removed within 60 days of the date of the event burning the structure.

(19) Keeping any small fowl in the City in any manner that is contrary to or in violation of Chapter 21.72 of the Cheney Municipal Code.

**Section 7. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 8. Effective Date.** This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this 12<sup>th</sup> day of November 2024.

Passed by the City Council this date: \_\_\_\_\_.

Approved by the Mayor this date: \_\_\_\_\_.

\_\_\_\_\_  
Chris Grover, Mayor

ATTEST:

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Cynthia Niemeier, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Kapaun, City Attorney