

CITY OF MORTON, WASHINGTON

ORDINANCE NO. 2020 - 01

AN ORDINANCE OF THE CITY OF MORTON, WASHINGTON, REAFFIRMING AND AMENDING SECTIONS OF MORTON MUNICIPAL CODE CHAPTER 6.12; AMENDING ORDINANCE NO. 04 - 01 AS NECESSARY; AND PROVIDING FOR SERVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Morton, Washington (the "City") is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to Chapter 35A.11.020 RCW, the City may adopt and enforce ordinances of all kinds relating to and regulating the City's local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, all references herein to "MMC" shall mean the "Morton Municipal Code," and

WHEREAS, Chapter 6.12 MMC is entitled "Livestock, Poultry, and Exotic Animals Prohibited"; and

WHEREAS, the Council desires to reaffirm and amend Chapter 6.12 MMC as set forth herein;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

The following sections of the City of Morton Municipal Code ("MMC") are hereby reaffirmed, created or amended as follows:

Section 1. Section 6.12.010 (Livestock, poultry, and exotic animals prohibited). MMC 6.12.010 is amended to state:

A. The keeping or raising of sheep, goats, horses, cattle, more than one rabbit, mules, llamas, swine, or like animals within the city limits of Morton is prohibited.

B. The keeping or raising of all poultry, including but not limited to, chickens, ducks, guinea hens, geese, emu, pigeons, ostrich, turkeys, or like animals within the city limits of Morton is prohibited, unless otherwise set forth herein.

C. The keeping or raising of all exotic animals, birds or reptiles, including, but not limited to, lions, tigers, monkeys, exotic birds, reptiles, or the like within the city limits of Morton is prohibited.

The above prohibitions do not apply to domestic household pets or the above if kept in a bona fide veterinarian clinic.

Section 2. Section 6.12.020 (Temporary Permit). MMC 6.12.020 is reaffirmed.

Section 3. Section 6.12.021 (Chicken Permit). MMC 6.12.021 is created to state:

A. Requirements and Standards

1. Applicability. A Permit is required by this chapter for the keeping and raising of chickens on properties utilized as single family residential. The keeping and raising of chickens on properties not utilized as single family residential is prohibited, unless otherwise stated herein. A Permit must be obtained from the City of Morton prior to the keeping of any chickens. Permits shall be issued in the name of the owner of the property. All permits issued hereunder shall be subject to the following conditions:
 - i. No more than 5 poultry are allowed per parcel;
 - ii. It is a violation for any person to own, possess, or harbor a rooster within the City limits;
 - iii. Chickens shall not cause any nuisance, including noxious smells, unhealthy condition, public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals;
 - iv. Chicken enclosures shall be cleaned of feces, uneaten feed, feathers and other waste as necessary to ensure a healthy environment;
 - v. Chickens shall be provided with fresh water at all times and adequate amounts of feed;
 - vi. Chickens shall be kept in the chicken enclosure or fenced area at all times;
 - vii. Chicken enclosures shall be set back a minimum of 10 feet from the rear yard and side yard boundary;
 - viii. Chicken enclosures shall not be located in a front yard or side yard;
 - ix. Chickens shall not be viewable from a public right-of-way, whether in or out of coop;
 - x. Chicken coops shall not be larger than 35 square feet and shall not exceed 10 feet in height;
 - xi. Chicken enclosures shall not be located within a residence, garage, or any other attached or detached accessory building structure;
 - xii. Chicken enclosures shall be constructed in a workmanlike manner and be moisture resistant; and
 - xiii. Chicken enclosures and yard area shall be constructed so they will not have standing water; and be large enough to provide at least 2 square feet per chicken inside the chicken coop, and 8 square feet per chicken in an outside, fenced run area.

2. Procedures for Permits.

- i. Only a property owner(s) may apply to the City for a permit.
- ii. Applications for a permit must contain the information set forth in subsection C of this section.
- iii. The City shall review and approve or disapprove an application within a reasonable period of time.
- iv. The annual fees for permits and renewals of permits, which are payable prior to the issuance of a permit or renewal are as follows: \$50.00 for the first year and \$25.00 each subsequent year per property.

3. Permit Application Contents for Existing, or New applicants. The permit application shall include the following information submitted on a form available from the City:

- i. A description of the chicken enclosure and yard, including mailing address, and address of property.
- ii. Photographs of the coop or enclosure, and the area in which the applicant intends to keep the chickens to include setback and dimensional measurements must be supplied prior to obtaining a permit.
- iii. The address(es) and phone number(s) of the owner of the property.
- iv. A statement certifying that the applicant understands and will comply with the applicable requirements of this chapter.

B. Complaints

1. Any complaint against a property owner(s) for a violation of this chapter shall be given in writing to the City of Morton Police Department.
 - i. If a complaint is made against a property owner(s) to the City of Morton Police Department and there is a genuine question as to compliance with the above requirements the City of Morton Police Department may inspect to determine if any violation has occurred.
2. Unusual illness or death of chickens shall be reported to the City of Morton Police Department.
3. The property owner shall be considered the responsible party at all times hereunder.
4. A determination of a violation will make the property owner responsible for costs incurred for the investigation.

SECTION 4. 6.12.022 (Conditional Use Permit.) MMC 6.12.022 is created as follows:

No permit shall be granted for commercial of mixed-use occupancies unless granted a conditional use permit by the City Council. Organizations, such as a school district, may apply for a conditional use permit allowing either (a) a larger number of chickens than 5 or (b) to keep chickens on a nonresidential property. Such organizations will need to make their case to the Council, which will decide whether to grant the conditional use permit.

- A. Application. Only a property owner may file a special use permit application. It shall be presented to the City Clerk along with a filing fee as set by resolution of the city council. The filing fee shall not be refundable and shall be in addition to any other application of permit fees, costs, or expenses. A site plan will be attached to the application showing the existing property and surrounding area condition(s) and the future conditions that the applicant would like to see occur.

B. Criteria.

1. In order to grant any special use, the City Council must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.
2. The decision of the City Council shall be final unless appealed to the superior court of the state of Washington, Lewis County, as provided herein.
3. A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval unless the permitted activity is being regularly conducted on the premises.
When a special use shall cease for six consecutive months, such special use permit shall be considered terminated and the applicable premises shall be limited to those uses permitted in that particular zoning district.

Section 5. Section 6.12.030 (Care). MMC 6.12.020 is reaffirmed.

Section 6. Section 6.12.040 (Violations and Penalties). MMC 6.12.040 is amended to state:

Any person who violates section 6.12.010 is guilty of a misdemeanor and shall be punished by a fine in any amount not to exceed one thousand dollars (\$1,000.00), or by imprisonment for a term not to exceed ninety (90) days or by both such fine and imprisonment.

Any person who violates any of the requirements, standards, or procedures for permits may cause the City to revoke such permit or decline to reissue a permit subject to the following provisions:

A. If the City determines that a violation of this chapter exists, the City shall send a Notice of Violation to the owner of the property.

B. The Notice of Violation shall contain the following:

1. The street address or a description of the building, structure, premises, or land, in terms reasonably sufficient to identify its location;
2. A description of the violation and a reference to the provisions of the Morton Municipal Code which have been violated;
3. A description of the action required to remedy the problem;
4. A statement that the required action must be taken within 18 calendar days from the date of the Notice of Violation; after which the City may issue a Notice of Intended Termination;
5. The appropriate department and/or division investigating the case and the contact person(s); and
6. A statement that the owner of the property may request a hearing before the City Council. Such request for hearing must be in writing and must be received by the City Clerk no later than 18 calendar days after the Notice of Violation has been issued.

- C. The Notice of Violation will be sent by first class mail to the address of the owner(s) as indicated in the records of the Lewis County Assessor.
- D. If a written request for a hearing is submitted to the City Clerk, the date of the public hearing before the Council shall be scheduled as early as practicable, but not more than 45 days following receipt of such request.
- E. The dispatching of any animal, including chickens as per this ordinance, must be done in a humane manner, in accordance with RCW 16.40.120 (Humane Slaughter) and 16.68 (Disposal of Dead Animals).

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 take effect five (5) days after its publication, or publication of a summary therefor, in the City's official newspaper, or as otherwise provided by law.

PASSED by the Council of the City of Morton, Washington, this 24th day of February, 2020.


MAYOR

Attest: 
CLERK

Approved as to form and content:
