

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 636

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING ORDINANCE NO. 355 REGARDING THE KEEPING OF ANIMALS SECTION OF THE ZONING CODE

WHEREAS, Ordinance No. 355 established regulations for the keeping of animals in residential areas to enhance and preserve compatibility between neighboring properties, minimize nuisances and disturbances caused by animals, minimize the impact of livestock on the environment and prevent cruelty to animals;

WHEREAS, updates to the keeping of animals section of the City's zoning code reflect more than a year spent studying, obtaining public comment, holding two public hearings, and reviewing, refining and discussing proposed changes at multiple Planning Commission and City Council meetings;

WHEREAS, updates to the keeping of animals section of the City's zoning code accommodates the interest of Burien residents in allowing some urban farming by relaxing the strict limits on numbers of animals and adding miniature goats to the types of animals allowed, while addressing impacts on neighbors through not only setbacks but also standards for farming practices as well as maintenance and upkeep of areas where animals are being kept;

WHEREAS, the City Council finds that the amendments contained in this ordinance are appropriate and necessary for the preservation of public health and welfare;

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

Section 1. BMC 19.17.100 Amended. Section 19.17.100 (Keeping of Animals) of the Burien Municipal Code and Ordinance No. 355 are hereby amended (with legislative revision marks) to read as follows:

19.17.100 Keeping of Animals

1. Purpose. The raising, keeping and breeding of animals are sources of enjoyment, recreation and learning for Burien residents. The purpose of this section is to establish regulations for the keeping of animals in residential areas that will enhance and preserve compatibility between neighboring properties, minimize nuisances and disturbances caused by animals, minimize the impact of livestock on the environment and prevent cruelty to animals.

2. Permitted accessory use. The raising, keeping and breeding of small animals, bees and livestock are allowed as an accessory use to residential uses in any zone or as an accessory use to any permitted

use in a residential zone, subject to the regulations of this section and BMC Title 6, Animals.

3. Prohibited activities. Commercial kennels and catteries and fee boarding of small animals or livestock are not allowed unless specifically allowed in Chapter 19.15, Use Zone Charts. This prohibition does not apply to hobby kennels and catteries that comply with the requirements of this subsection and BMC Title 6, Animals.

4. Small animals. The maximum number of small animals are as follows, provided young of adult small animals on the premises under 3 months in age are excluded from the density limitations:

A. Small animals which are kept in a dwelling as household pets including those kept in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in BMC Title 6.

B. Other small animals kept outside, except those otherwise regulated by this subsection, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots of 20,000 square feet, with an additional one allowed per 5,000 square feet of site area over 20,000 square feet up to a maximum of 20.

C. The total number of unaltered adult cats and dogs per household shall not exceed three, whether those animals are kept in a dwelling or outside, unless approved under a hobby kennel or cattery license.

D. Miniature potbelly pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scofa bittatus). One of the small animals allowed under 19.17.100.4.B, may be a miniature potbelly pig, provided that it does not exceed 22 inches in height at the shoulder or more than 150 pounds in weight.

E. Miniature goats. The types of goats commonly known as Pygmy, Dwarf, and Miniature Goats. Up to two miniature goats may be kept in addition to the small animals allowed under 19.17.100.4B, on any lot provided

i. It does not exceed 24 inches at shoulder or more than 150 pounds in weight;

ii. A minimum of 800 square feet of outdoor space with a shelter enclosure shall be devoted for goat(s); and shall maintain a distance of not less than 10 feet to any property line;

iii. Nursing offspring of miniature goats may be kept until weaned, no longer than 12 weeks from birth.

E.F Domestic fowl and rabbits. Any combination of three (3) domestic fowl and rabbits, with the exception of roosters, may be kept on any lot in addition to the small animals permitted in the preceding subsections. ~~On lots of at least one-half acre, domestic fowl and rabbits may be kept at~~

the rate of 7 per one half acre. Five (5) on lots equal to or greater than 7,200 square feet, 1 additional domestic fowl or rabbit may be kept per each 2,000 square feet of lot area to a maximum of 15; over 15 domestic fowl may be kept on lots greater than 20,000 square feet if a farm management plan, developed with the King Conservation District, is implemented and maintained.

i. A suitable pen, structure or enclosure to house and safeguard domestic fowl and rabbits from predators shall be provided and located no less than 10-feet from the property line.

ii. Maintenance and upkeep of domestic fowl and rabbit areas shall meet the following United States Department of Agriculture (USDA) prevention measures to minimize public health concerns and nuisances:

a. Remove wet manure, bedding and feed to minimize odor, prevent bacterial growth and limit flies that can spread contamination;

b. Store feed in rodent-proof containers;

c. Properly compost chicken manure prior to using it for fertilizer to prevent the growth of harmful bacteria; and,

d. Regularly clean and sanitize feeders and water dispensers.

F. Birds. Birds kept outside of a dwelling unit shall be kept in an aviary or loft that meets the following standards:

i. The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird;

ii. Aviaries or lofts shall not exceed 700 square feet;

iii. The aviary is set back at least 10 feet from a separate owner's property line, and 20 feet from any dwelling unit on adjacent properties.

G.H Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of animal areas shall meet the following standards:

i. Any covered structure used to house or contain 4 or more small animals shall maintain a distance of not less than 10 feet ~~20 feet~~ to any property line- and 20 feet from any dwelling unit on adjacent properties;

- ii. All covered structures, confinement areas and open run areas shall be kept clean to prevent infestation of insects, rodents or disease as well as to prevent obnoxious or foul odors;
- iii. Animal waste shall be properly disposed of and any accumulated animal waste must not be stored within the setback area. Any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances;
- iv. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application
- v. Store feed in rodent-proof containers; and,
- vi. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents or insects.

H. I Prohibited small animals. The keeping of roosters, mink, foxes and any exotic or wild animals that could pose a public threat or have an obnoxious nature which is a nuisance to the adjacent neighborhood are prohibited.

5. Beekeeping.

A. Beehives are limited to 2 hives on sites less than 10,000 square feet, 4 on sites between 10,000 and 20,000 square feet, 10 on sites between 20,000 square feet and 1 acre, 20 on sites between 1 and 1.5 acres, and 25 on sites between 1.5 and 5 acres. ~~Hives shall be located at least 25 feet from any property line, except when placed behind a 6 foot high fence, which extends 25 feet beyond the hives in both directions, or placed at least 8 feet above the adjacent ground level.~~

B. ~~BeeHives~~ shall be located at least 25 feet from any property line, except when placed behind a 6 foot high fence, which extends 25 feet beyond the hives in both directions, or placed at least 8 feet above the adjacent ground level.

C. Colonies shall be maintained in movable-frame hives at all times.

D. Adequate space shall be provided in each hive to prevent overcrowding and swarming.

E. Colonies shall be requeened following any swarming or aggressive behavior.

F. All colonies shall be registered with the State Department of Agriculture.

G. Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and the City shall take appropriate legal action to abate the nuisance.

6. Livestock.

A. The minimum site that may be used to accommodate livestock shall be 35,000 square feet, provided that the portion of the total site area available for use by the livestock meets the requirements of this subsection.

B. The maximum number of livestock shall be as follows:

- i. Horses, cattle and similar sized livestock animals: 1 per acre of area available for the animal's occupancy;
- ii. Llamas, donkeys, miniature horses and cattle and similar sized livestock animals: 1 per .5 acre available for the animal's use;
- iii. Sheep, full sized goats and similar sized livestock animals: ~~1~~ 2 per .25 acre of area available for the animal's occupancy;
- iv. Young of adult livestock on the premises that are under six months of age are excluded from the density limitations; and
- v. Livestock densities may be increased as follows if a farm management plan, developed with the King Conservation District, is implemented and maintained: Three (3) horses, cows, or similarly sized animals, six (6) llamas, donkeys, miniature horses and cattle or similarly sized animals or fifteen (15) sheep, goats or similarly sized animals per gross acre of total site area. The farm management plan shall incorporate best management practices for grazing and pasture management, manure management, watering and feeding area management, and stream corridor and wetland management. Such plans must include a schedule for implementation and shall be on file with the Department of Community Development. Any Indian tribe with tribal rights to protection of the fisheries habitat provided by the site shall have 60 days from plan submission to comment on the plan. The plan must, as a minimum, achieve 25-foot vegetated buffers for all streams and wetlands on the site, and assure that drainage ditches on the site do not channel animal waste to such streams or wetlands.

C. Critical areas. The keeping of livestock is subject to the review requirements for wetland and stream protection in BMC 19.40, Critical areas.

D. Setbacks, maintenance and upkeep of animal areas. ~~The following setback and buffer requirements apply to the keeping of livestock, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of livestock areas shall meet the following standards:~~

- i. Any building used to house, confine or feed livestock shall not be located closer than 35 feet

to any boundary property line;

ii. Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;

iii. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any dwelling unit, accessory living quarters or boundary property line; and any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application;

iv. Provisions shall be made to ensure that animal food stored indoors or outdoors will not attract rodents or insects, and

~~iv~~ v. Grazing and confinement areas may extend to the property line.

E. Prohibited livestock. The keeping of hogs is prohibited, with the exception of miniature potbelly pigs allowed under subsection 19.17.100.4.D.

7. Categorization of animals. In the event that animals are proposed that do not clearly fall within the categories established by this code, the Director shall determine an appropriate category based on that which is most similar to the animal in question. [Ord. 355 §1, 2002]

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall take effect five days after publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 7TH DAY OF MARCH, 2016.

CITY OF BURIEN

/s/ Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/ Soojin Kim, City Attorney

Filed with the City Clerk: March 7, 2016
Passed by the City Council: March 7, 2016
Ordinance No.: 636
Date of Publication: March 10, 2016