

TOWN OF COUPEVILLE
Coupeville, Washington

ORDINANCE NO. 695

**AN ORDINANCE OF THE TOWN OF COUPEVILLE,
WASHINGTON, PERMITTING CHICKEN HENS WITHIN THE
TOWN BY AMENDING COUPEVILLE MUNICIPAL CODE
SECTION 6.04.020 AND ADDING A NEW CHAPTER 6.16,
“CHICKEN HENS”.**

WHEREAS, residents of the Town of Coupeville have expressed interest in keeping laying chickens to provide fresh eggs for their personal use; and

WHEREAS, the Town encourages local residents in maintaining healthy lifestyles and supports efforts to grow produce and keep chicken hens; and

WHEREAS, it is necessary to establish conditions under which keeping chicken hens does not become a negative impact to neighbors or a nuisance to the community; and

WHEREAS, it is appropriate to establish rules for the keeping of chicken hens in a healthy and sanitary manner, and in accord with existing health and safety regulations within the Town,

NOW, THEREFORE, be it ordained by the Council of the Town of Coupeville, Washington, as follows:

Section 1. Coupeville Municipal Code Section 6.04.020 is hereby amended to read as follows:

6.04.020 Keeping of certain Animals Unlawful – Exceptions.

It shall be a misdemeanor for any person to keep one or more horses, cattle, roosters, rabbits, sheep or other domestic animals within the Town limits unless said animal is provided with a permanent shelter and such shelter is located at least fifty (50) feet from the side of adjoining lot lines and one hundred (100) feet from any public road, and one hundred (100) feet from any dwelling located on any lot adjacent to or adjoining the lot on which the said animal is kept or maintained. Furthermore, the owner/occupant of the lot upon which the animals are being kept or maintained shall at all times maintain the said shelter, lot and premises in a clean and sanitary condition.

Section 2. A new Chapter of the Coupeville Municipal Code entitled “Chapter 6.15 Chicken Hens” is hereby enacted as follows:

Chapter 6.15 Chicken Hens

Section 6.15.010 Keeping of hens.

Section 6.15.020 Violations.

Section 6.15.010 Keeping of Chicken hens.

A. The keeping of Chicken hens, if permitted under the terms of any private covenants, conditions or restrictions applicable to the subject property, shall be

permitted on properties used for single-family and duplex residential purposes under the following conditions:

- (1) Keeping of roosters shall be prohibited except as permitted in 6.04.020.
- (2) Chicken hens may be kept, as provided in this section, by the owner or tenant of any single-family or duplex residence, provided that the hens are kept on the same ~~premises parcel~~ where the owner of the hens resides- or on a contiguous parcel under the same ownership.
- (3) One Chicken hen is allowed for each one thousand five hundred (1,500) square feet of lot area to a maximum of six hens, ~~on any lot or contiguous property under the same ownership.~~
- (4) Chicken Hens shall be contained at all times within a ~~fully enclosed~~ fence, pen or coop which is constructed to prevent dogs, coyotes, cats, raccoons, rats, eagles and other predators and pests from accessing the hens.
- (5) For each chicken hen, a fenced open yard area of at least twenty (20) square feet and an fully enclosed shelter of at least four (4) square feet shall be provided.
- (6) Fenced open yard area and enclosed shelters shall be a minimum of twenty (20) feet from any habitable residential building on an adjacent property.
- (7) Chicken hens shall be treated humanely, and shall be provided adequate food, water and shelter.
- (8) Chicken hen enclosures and fenced open yard areas shall be kept in a good working and sanitary condition, shall not cause odor or noise nuisances, and shall not be deemed to be unsightly from any public right-of-way, as determined by the administrator.
- (9) Coops and hen enclosures shall not be located in the front yard of a lot nor in a side yard which abuts a street.
- (10) Two or more people may cooperatively own and care for chicken hens by means of a portable coop that may be moved from one property to another, PROVIDED that all requirements of this code are met on each of the properties to which the coop is moved.

~~B. Administrative Modifications.—The Director of Planning or designee (the “administrator”), shall have the authority to grant or deny modifications as listed below, to the standards of this section.~~

- ~~(1) The following modifications may be allowed (only one modification is allowed per property):~~
 - ~~(a) An increase of up to one hundred fifty (150) percent of the allowable number of chicken hens.~~
 - ~~(b) Two people owning or renting a house or duplex within three hundred (300) feet of each other may consolidate each property’s allotted number of chicken hens on one parcel. At least one of the owners of the hens must reside on the parcel where the hens are kept.~~

~~(c) The required enclosure setback to a habitable building on an adjacent property may be reduced to not less than ten (10) feet, with the adjacent property owner's written approval.~~

~~(2) Applications for modifications to this section shall be made to the administrator and shall include materials deemed necessary by the administrator.~~

~~(a) Upon receipt of an application the administrator shall require notification by mail to adjacent properties. This notice shall describe the location and modification proposed by the applicant.~~

~~(b) Two calendar weeks after notification the administrator may either grant or deny the application. If granted, conditions of the permit (if any) shall be attached and a copy sent to the adjacent property owners.~~

~~(c) Any aggrieved party shall have five working days from the date of the decision to appeal the decision of the administrator to the Town council. The appeal shall be in writing and is to be filed with the Town clerk. The permit shall not become valid until expiration of the five days. An appeal stays the validity of the permit until a decision is made by the Town council.~~

~~(d) If after approval of the modification, the property owner violates any of the conditions upon the permit, or if the modification is found to be having a detrimental effect upon the surrounding neighborhood, the administrator, upon thirty days notice, shall have the authority to revoke or place additional restrictions on the permit. This decision may be appealed to the Town council by the party owning the chickens within thirty days of the mailing of the administrator's decision.~~

Section 16.15.020 Violations.

(1) The owner of any property in violation of this Chapter as determined by the law enforcement officer, shall be subjected to issuance of a Class 1 civil infraction with a fine not to exceed \$250.00 to any included person, including parent or guardian found in violation of the provisions of this Chapter.

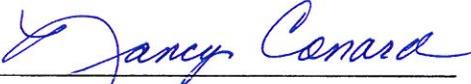
(2) Notwithstanding issuance of a civil infraction, the administrator may deem a violation of this Chapter a violation to Title 16 Coupeville Municipal Code and subject to the enforcement provisions of CMC 16.06.080. If the violation has not been corrected within the time frame provided by notice under CMC 16.06.080 a, the Town, with cause, may seek legal entry to the property to remove the chicken hens. The property owner will be responsible for any costs incurred by the Town to insure the violation is resolved.

Section 3. 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 4. Effective Date. This Ordinance shall be published in the official newspaper of the Town, and shall take effect and be in full force on the date of publication.

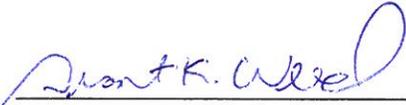
PASSED by the Town Council and **APPROVED** by the Mayor on this 13th day of December 2011.

MAYOR



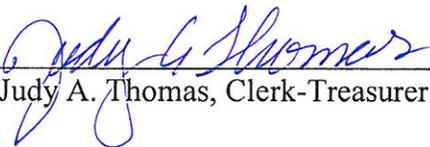
Nancy Conard, Mayor

APPROVED AS TO FORM



Grant K. Weed, Town Attorney

ATTEST



Judy A. Thomas, Clerk-Treasurer

Published: December 22, 2011