

ORDINANCE NO 1082

AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON AMENDING CHAPTER 6.15, LIVESTOCK, BY AMENDING SECTIONS 6.15.080, 6.15.090 RELATING TO VIOLATIONS AND PENALTIES, AMENDING SECTION 6.15.110, DEFINITION OF LIVESTOCK, AMENDING SECTION 6.15.120, GOATS AND SWINE PROHIBITED, AND AMENDING TITLE 6 BY CREATING A NEW CHAPTER 6.17 THAT REGULATES POTBELLY PIGS; BY CREATING A NEW CHAPTER 6.19 THAT REGULATES BEE-KEEPING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the current livestock regulations of the City of Roslyn prohibit "goats and swine" within the jurisdiction of the City; and

WHEREAS, the current livestock regulations of the City of Roslyn does not regulate bee-keeping; and

WHEREAS, the City Council wishes to amend the regulations to regulate bee-keeping and to allow pot belly pigs and goats under certain terms and conditions; and

WHEREAS, the City Council wishes to update the outdated penalty provisions to be consistent with the penalty provisions of the Animal Chapter of the Roslyn Municipal Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSLYN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. RMC Section 6.15.080, Amended. Roslyn Municipal Code Section 6.15.080 (Rescuing – Violation, penalty) is hereby amended to read as follows:

6.15.080 Rescuing – Violation, penalty.

Any person who shall rescue or attempt to rescue any animal mentioned in this article from the pound master or any of the police officers of said city, or who shall in any manner interfere with any of said officials in the discharge of their duties hereunder, shall be deemed guilty of a misdemeanor. ~~and fined in any sum not less than \$5.00 nor more than \$25.00~~ 6.15.090 Driving through streets – Violation, penalty.

Section 2. RMC Section 6.15.090, Amended. Roslyn Municipal Code Section 6.15.090 (Driving through streets – Violation, penalty) is hereby amended to read as follows:

6.15.090 Driving through streets – Violation, penalty.

Any person who shall drive any horses or mules through the streets of said city, unless such animal or animals be under the secure control of such person by the use of halter or reins, shall be deemed guilty of a misdemeanor. ~~and fined in any sum not less than \$5.00 nor more than \$25.00.~~

Section 3. RMC Section 6.15.110, Amended. Roslyn Municipal Code Section 6.15.110 (Livestock defined) is hereby amended to read as follows:

6.15.110 Livestock defined.

For the purposes of this article. "livestock" shall include all horses, mules, cattle, sheep, ~~goats~~, mink, poultry, rabbits and all other animals excepting domesticated dogs and cats, and small household birds such as canaries.

Section 4. RMC Section 6.15.120, Amended. Roslyn Municipal Code Section 6.15.120 (Goats and swine prohibited) is hereby amended to read as follows:

6.15.120 ~~Goats and~~ Swine prohibited with expection.

No ~~goats or~~ swine shall be kept within the corporate limits of the city of Roslyn, provided that potbelly pigs as defined in Chapter 6.17 shall be allowed in accordance with the regulations set out in that Chapter.

Section 5. RMC Section 6.15.250, Amended. Roslyn Municipal Code Section 6.15.250 (Violations) is hereby amended to read as follows:

6.15.250 Violations.

Any person, firm or organization violating this Chapter shall be subject to the Violations and Penalties set out in RMC Section 6.05.180 and RMC Section 6.05.210 as applicable.

~~Any person, firm or organization violating this article shall upon conviction be fined in a sum not exceeding \$100.00 or imprisoned in the city or county jail for a period not exceeding 30 days, or both so fined and imprisoned. Continuation of violation after conviction shall be deemed another and separate violation.~~

Section 6. RMC Title 6, Amended. Roslyn Municipal Code Title 6, Animals, is hereby amended by adding a new Chapter 6.17, Pot-bellied pigs, to read as follows:

Chapter 6.17

POT-BELLIED PIGS

Sections:

6.17.010 Purpose.

6.17.020 Definition.

6.17.030 Administration and enforcement.

6.17.040 License, compliance with regulations.

6.17.050 Licensing procedures.

6.17.060 Issuance, term, renewals.

6.17.070 Regulations.

6.17.080 Revocation of license.

Section 6.17.010 Purpose.

Miniature pot-bellied pigs are increasing in popularity as domesticated pets. However, as such animals are still livestock notwithstanding size, the keeping of such animal needs to be closely regulated and controlled to insure that such animal does not become a nuisance or danger to the general public and the neighborhood in which it is kept. The City Council finds that the keeping of potbellied pigs so as not to create a nuisance can be reasonably accommodated by licensing and other restrictions.

Section 6.17.020 Definition.

For the purposes of this chapter, the words "pot-bellied pig" shall mean a domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred eighty pounds in weight and twenty-six inches in height measured at the shoulder.

Section 6.17.030 Administration and enforcement.

The provisions of this Chapter shall be administered and enforced by the City's duly appointed and acting Animal Control Officer or his or her designee. In addition, the provisions of this Chapter may be enforced by any code compliance officer of the City.

Section 6.17.040 License, compliance with regulations.

Notwithstanding the provisions of Title 18 of this code, it is unlawful for any person to own or have custody, control or possession of any pot-bellied pig within the City unless such pig is licensed pursuant to the provisions of this Chapter within ten calendar days upon the effective date of this Chapter or within ten calendar days of said pig's entry to the City and unless said pig complies with the regulations as set forth in this Chapter.

Section 6.17.050 Licensing procedures.

Any person owning or having custody or control of a pot-bellied pig within the City may obtain a license for such pig from the City in accordance with the following procedures:

A. Application. File with the City an application on a form provided by the City which shall contain the following information:

1. The name and address of the applicant and the address of the property upon which the pot-bellied pig is to be kept;
2. The name, age and weight of the pot-bellied pig including any identifying marks or tattoos;
3. Such other information as the Animal Control Officer deems appropriate.

B. License Fee. The application shall be accompanied by a nonrefundable license fee in an amount as may be established by resolution of the City Council.

C. Veterinary Certification. The application shall be accompanied by a statement signed by a licensed veterinarian certifying that the pot-bellied pig has been spayed/neutered, that the pig is in good health and has received all necessary vaccinations, and the height and

weight of the pig. Such certification shall be no older than thirty calendar days when submitted to the City.

Section 6.17.060 Issuance, term, renewals.

A. **Issuance of License.** The City shall issue a license for the keeping of a pot-bellied pig on a lot within the City that allows for such use upon the filing of a completed application and a finding that the animal meets the requirements set forth in subsections A through D of Section 6.17.070.

B. **Term of License.** Any license issued pursuant to this chapter shall be valid for a period of one year from the date of issuance; provided, however, any license expiring on a Saturday, Sunday or holiday, shall be valid until the next work day.

C. **Renewals.** Any license issued pursuant to this chapter may be renewed for periods of one year each upon the filing of an application for such renewal with the City accompanied by a nonrefundable renewal fee in an amount as may be established by resolution of the City Council. The renewal application shall be on such form as provided by City. The City shall issue such renewed license unless it is found that the pot-bellied pig is not in compliance with the regulations as set forth in Section 6.17.070.

Section 6.17.070 Regulations.

The owner or person having custody, control or possession of a pot-bellied pig within the City shall comply with the following regulations:

A. **Spayed/Neutered.** The pot-bellied pig shall be spayed or neutered.

B. **Weight.** The pot-bellied pig shall not weigh more than one hundred eighty pounds.

C. **Height.** The pot-bellied pig shall not exceed twenty-six inches in height as measured from the shoulder of said animal.

D. **De-tusked.** Any male pot-bellied pig two years of age or older must have his tusks removed.

E. **Confinement on Premises.** Each pot-bellied pig shall be provided with a fenced yard designed to assure that the animal is confined and managed in a safe, clean and odor-free manner when out-of-doors. Notwithstanding any other provision of this code, the pot-bellied pig may be kept as a pet in the residence on the lot upon which said pig resides.

F. **Leash Requirements.** Each pot-bellied pig while on a street, sidewalk or other public place shall be restrained by a harness and leash or similar restraint not longer than six feet in length held by a competent person. The owner or person having custody shall immediately remove any feces deposited by the animal on any street, sidewalk, park or other publicly-owned area, or private property of another.

Section 6.17.080 Revocation of license.

The license for a pot-bellied pig issued pursuant to this chapter may be revoked by the Animal Control Officer upon the finding that the provisions of Subsections A through D of Section 6.17.070 have been violated and not corrected within ten calendar days of issuance by the Animal Control Officer or a deputy of the Animal Control Officer of a notice of such

alleged violation or within such longer period as may be specified in the notice of violation. Upon failing to correct the violation within the required time, the Animal Control Officer shall issue a written notice of the revocation of the license and the pot-bellied pig must be removed from the City within ten calendar days thereafter or such longer period as may be set forth in the notice of revocation.

Section 7. RMC Title 6, Amended. Roslyn Municipal Code Title 6, Animals, is hereby amended by adding a new Chapter 6.19, Bee-Keeping, to read as follows:

Chapter 6.19

BEE-KEEPING

Sections:

6.19.010 Purpose

6.19.020 Certain Conduct Unlawful

6.19.030 Definition

6.19.040 Beekeeping, Hives, Compliance

6.19.050 Violations

6.19.010 Purpose.

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

6.19.020 Certain Conduct Unlawful.

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

6.19.030 Definition.

As used in this Chapter, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

- A. Apiary means the assembly of one or more colonies of bees at a single location, or a site where hives of bees or hives are kept or found.
- B. Apiarist or Beekeeper means a person who owns or has charge of one or more colonies of bees.
- C. Bees or Honeybees means all life stages of the common domestic honey bee of the species *Apis mellifera*.
- D. Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- E. Colony or hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.
- F. Hive means a manufactured receptacle or container prepared for the use of bees, that includes movable frames, combs, and substances deposited into the hive by bees.

G. Person" means a natural person, individual, firm, partnership, company, society, association, corporation or every officer, agent, or employee of one of these entities.

H. Property means a parcel of land under common ownership.

G. Vacant Property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property that is improved but not actually occupied.

6.19.040 Beekeeping, Hives, and Compliance.

A. Beekeeping.

Beekeeping is permitted by permit as an accessory use, provided that:

1. Beehives will be limited to no more than four (4) production colonies on properties 7,500 square feet or larger;
2. Properties less than 7,500 square feet shall be limited to two (2) production colonies or bee hives;
3. All colonies shall be registered with the Washington State Department of Agriculture in accordance with apiary law, RCW 15.60. A copy of that registration, along with a site plan depicting the location of the hive or hives on the property, shall be submitted to the City annually;
4. Colonies shall be re-queened following any swarming or aggressive behavior;
5. Each beekeeper shall ensure that a consistent and convenient source of water is available to the bees at all times in a location that minimizes any nuisance created by bees seeking water on neighboring property.

B. Hives.

1. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition;
2. Adequate space shall be provided in each hive to prevent overcrowding and swarming;
3. Beehives shall not be located within ten (10) feet of any side or rear lot line and fifteen (15) feet from the front property line;
4. Beehives shall be screened by a fence or vegetation at least 4' (four feet) in height.
5. Hives may be allowed on vacant properties if each hive is marked with the owner's name, address, telephone number, and state registration number and a beekeeper shall have written approval from the vacant property owner prior to locating any beehives on vacant property that is owned by someone other than the beekeeper.

C. Compliance.

Upon receipt of information that any colony or hive situated within the city is not being kept in compliance with this article, the City or Animal Control Officer shall cause an investigation to be conducted. If the officer finds that grounds exist to believe that one or more violations have occurred a written notice of violation shall be issued to the beekeeper.

6.19.050 Violations

When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth notice or succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice

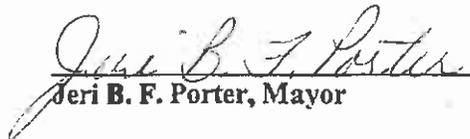
of violation to such violator in lieu of a misdemeanor citation. A violation of this chapter shall be enforced and remedied as provided in Chapter 8.60 of the Roslyn Municipal Code.

Section 8. 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.

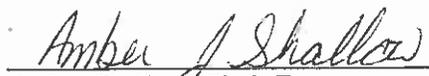
Section 9. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 27TH DAY OF SEPTEMBER, 2011.

CITY OF ROSLYN


Jeri B. F. Porter, Mayor

ATTEST/AUTHENTICATED:


Amber Shallow, Clerk-Treasurer

Approved as to form:


Margaret King, City Attorney

Filed with the City Clerk: August 23, 2011
Passed by the City Council: September 27, 2011
Date of Publication: September 30, 2011
Effective Date: October 5, 2011