

## Article XIII (\*)

### **Enforcement**

#### Section 3.

(d) *Chickens*. The Board of Trustees shall not enforce the restriction contained within Article X, Section 10, of the Declaration, which among other things prohibits the raising, breeding, or keeping of poultry, when a Lot has a maximum of three (3) domestic female chickens (hens) that would otherwise be in violation of the restriction and meets all of the following conditions:

(a) The homeowner applies to the Board of Trustees for a backyard hen permit by submitting a complete application and application fee. The application fee will be \$100, which may be increased as necessary to cover increased mailing and administrative costs. After receiving an application, the Board will conduct a public hearing on the application. Prior to the hearing, the Board will provide at least 30 days prior written notice of the application to all adjacent properties. The Owners receiving notice of the proposed backyard chicken use shall have 30 days from the date of mailing in which to submit to the Board written comments or objections with respect to the application. The application hearing will not be held until at least 30 days from the notice. The permit will be denied outright if more than one adjacent property owner objects. The first permit issued to an Owner is valid for only one (1) year. Following the initial year, the Owner has no right to keep or maintain hens without obtaining a subsequent permit. Permits are subject to renewal following another public hearing prior to the date the permit is set to expire. This approach will allow the Board and homeowners the opportunity to revisit the issue and determine whether the use creates any problems that warrant discontinuance. If the permit is renewed, the Board may renew the permit for up to five (5) years based on the lack of any problems reported by neighbors.

(b) Hens are utilized for personal egg production or as pets;

(c) A humane and properly constructed hen house, with at least two (2) square feet of grade level ground clearance per chicken shall be provided. The structure must include solid, secure sides, including a solid top, that maintain confinement and prevent entry of predatory animals such as foxes or hawks. Exterior surfaces, not inherently resistant to deterioration, shall be treated with a protective coating, such as paint or other suitable preservative, and maintained with sufficient frequency to prevent deterioration. Enclosure must provide access for proper cleaning and maintenance. It must provide protection from extreme temperatures, including but not limited to insulation, ventilation and drainage. Hen houses must include laying boxes of a minimum surface of twelve (12) inches by twelve (12) inches per chicken and must be regularly bedded with sawdust, straw, or like material. All enclosures, including but not limited to structures and fencing, shall be constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. All hen houses must be properly maintained in a safe, clean, sanitary, and substantial condition that poses no health threat to the chickens or citizens and does not create a public nuisance.

(d) All hen houses shall be a minimum of five (5) feet away from any adjoining property line. All structures, fencing, and hens must be located in the rear or side yards of the dwelling, except that mobile structures (chicken tractors) may be anywhere within a fenced yard.

(e) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them. All stored food must be kept in covered metal containers;

(f) Disposal of Chicken Waste/Manure: Waste products (manure) generated from the raising of chickens shall be placed in the roll out container for compost/yard waste.

(g) All hens shall be contained, at all times, within a fence of at least four (4) feet high. Each hen shall have a minimum of four (4) square feet of range area a majority of the day. The range area must be well drained so there is no accumulation of moisture. Hens may forage or roam freely anywhere within a fenced yard on the side or rear of the house, but adequate measures must be taken to provide safety for the fowl and prevent them from straying onto adjacent property.

(h) Male chickens (roosters) are prohibited.

(i) The use is operated in accordance with Section 115.20(3)(a) of the Kirkland Zoning Code, Section 21.31.020(5)(b) of the Woodinville Zoning Code, and any other ordinance of the city in which the Lot is located regulating the keeping of animals.