

ORDINANCE NO. 2294

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROHIBITING THE FEEDING OF FERAL PIGEONS; AMENDING TITLE 6, HEALTH AND SANITATION, ADDING A NEW CHAPTER 6.18 TO THE REDMOND MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, the feeding of feral pigeons is resulting in an increase in the numbers of these birds; and the increased depositing of fecal matter on public and privately owned properties; and,

WHEREAS, the increased numbers of feral pigeons and fecal matter is damaging property and making public and private walkways unsafe to walk on; and,

WHEREAS, there is increased bacteria being washed down storm drains causing increased bacteria in public waterways; and,

WHEREAS, the City Council desires this ordinance to establish a procedure and means for the prohibition of feeding pigeons, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 6.18 is hereby added to the Redmond Municipal Code to read as follows:

**Chapter 6.18
FEEDING OF FERAL PIGEONS**

Sections:

Section 6.18.010	Feeding of feral pigeons prohibited.
Section 6.18.020	Exceptions.
Section 6.18.030	Enforcement.

Section 6.18.040 Penalty for violations.

6.18.010 Feeding of feral pigeons prohibited

It is unlawful for any person to intentionally feed feral pigeons.

6.18.20 Exceptions.

Nothing in this chapter shall prohibit the feeding of domestic pigeons kept in compliance with Section 7.04.156 of this code.

6.18.030 Enforcement.

The Code Enforcement Officer is hereby authorized and empowered to enforce this chapter.

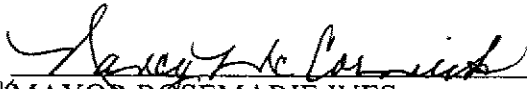
6.18.040 Penalty for violation.

Any person violating or failing to comply with the provisions of the ordinance codified in this chapter shall be guilty of a civil violation. Each violation will be considered a separate offense and be subject to civil penalty not to exceed \$1,000 for each violation. The minimum civil penalty shall be \$100.

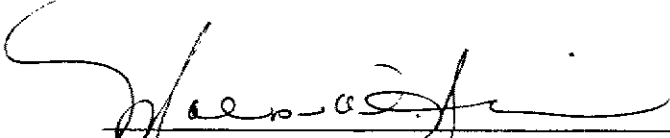
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

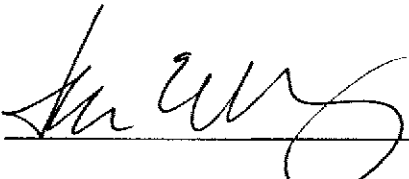
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, MALISA FILES

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK: July 12, 2006
PASSED BY THE CITY COUNCIL: July 18, 2006
SIGNED BY THE MAYOR: July 18, 2006
PUBLISHED: July 24, 2006
EFFECTIVE DATE: July 29, 2006
ORDINANCE NO.: 2294

MEMO TO: City Council
FROM: Rosemarie Ives, Mayor
DATE: July 18, 2006
SUBJECT: ORDINANCE: PROHIBIT FEEDING OF FERAL PIGEONS

I. RECOMMENDED ACTION

Adopt the ordinance to prohibit any person from intentionally feeding feral pigeons by amending Title 6, Health and Sanitation and by adding a new chapter 6.18 to the Redmond Municipal Code (RMC).

II. DEPARTMENT CONTACT PERSONS

Rob Odle, Director, Planning and Community Development, 425-556-2417
Jim Roberts, Deputy Planning Director, 425-556-2424
James Haney, City Attorney, 206-447-7000
Deborah Farris, Code Compliance Officer, 425-556-2465

III. DESCRIPTION/BACKGROUND

In September 2005, Code Enforcement (CE) began receiving complaints regarding large numbers of feral pigeons roosting on utility pole wires and buildings in City Center. As a result, fecal matter was accumulating on the walkways below, on rooftops, and on cars parked in the vicinity. CE also received a separate complaint from a homeowner in a residential area of the city regarding pigeons on the homeowner's roof. Both sites were visited, and the complaints substantiated. It was noted at that time that the pigeons were congregating in these areas because of intentional daily feedings by city residents.

In an attempt to reduce the number of feral pigeons, a city official made a courtesy visit to a Redmond citizen in City Center and suggested that the feeding be stopped, explaining that this action was causing numerous problems. As of June 2006, the pigeons are still being fed at this location. The issue of citizens feeding pigeons in a residential neighborhood was not approached. (See Exhibit B)

CE reviewed the Redmond Municipal Code (RMC), the King County Health Code, the Revised Code of Washington, and the Washington Administrative Code, and determined that there were no enforceable current ordinances or statutes that the City of Redmond could apply that would require that a person stop feeding feral pigeons. Therefore, a new ordinance is necessary to require that the feeding cease.

Because of the large numbers of feral pigeons perching on the utility lines above, pedestrians in City Center cannot comfortably use the sidewalk(s) below, patrons cannot use the front door of a neighboring business, car paint is being damaged, and a roof top is requiring a non-routine repair/replacement. Sidewalks have become unsightly and increasingly slippery in wet weather.

Public Works (PW) fielded a number of citizen complaints as well. In order to make the sidewalks passable and less dangerous, the sidewalks must be pressure washed on a regular basis. (See Exhibit C) While improving the conditions of the sidewalks, this action directs increased amounts of fecal material into storm drains, ultimately raising the bacterial level in the Sammamish River. (See Exhibit D)

Adoption of the ordinance will make it unlawful for any person to feed feral pigeons, thereby reducing their numbers, as they will need to search for food elsewhere. This action will reduce the accumulation of fecal matter in these areas and its potentially unsafe, unsightly, and damaging effects. In residential zones, with a minimum lot size of a half acre, keeping no more than ten (10) *domestic* pigeons would still be permitted. This is in accordance with RMC, Title 7, Section 7.04.156. (See Exhibit E)

The cities of Burien, Ocean Shores, Lynwood, Bellevue, Fircrest, and Everett have all adopted similar ordinances. Staff can provide these ordinances upon request.

IV. **IMPACT**

- A. Service Delivery:** Adoption of the ordinance will reduce accumulations of fecal matter on public and private walkways, building roof tops, and cars. Affected citizens would once again be able to use walkways that have had to be avoided. There would be a reduction in replacement and cleaning costs for those citizens whose roof tops and vehicles have been damaged and/or soiled. Further, there would be a reduction in the increased costs in materials and labor that the PW department has had to incur for maintaining safer, cleaner and more aesthetically pleasing public rights-of-way. Lastly, there would be a decreased amount of bacteria being forced into the Sammamish River; a body of water currently on Washington's list of "impaired waters." (See Exhibit F)
- B. Fiscal:** There would be no increased costs to the City to implement this program with existing Code Enforcement staff, but rather a reduction in maintenance costs both for the City and impacted property owners.

V. **ALTERNATIVES TO STAFF RECOMMENDATION**

Failure to adopt this ordinance will allow the current large numbers of feral pigeons to continue to damage property, foul walkways, and increase bacteria in public waterways.

VI. TIME CONSTRAINTS

There are no time constraints

VII. LIST OF ATTACHMENTS

Attachment A: Ordinance

Attachment B: Photographs (1-5)

Attachment C: Email: Jim Cooper, Transportation Operations Supervisor

Attachment D: Word Document: Andy Rheame, IDDE Program Coordinator, Natural Resources Division of Public Works

Attachment E: RMC, Title 7, Section 7.04.156.

Attachment F: Email: Andy Rheame

/s/
Robert G. Odle, Planning Director

7/6/06
Date

Approved for Council Agenda: /s/
Rosemarie Ives, Mayor

7/6/06
Date

ATTACHMENT A

ORDINANCE NO.

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CITY OF REDMOND

MAYOR ROSEMARIE IVES

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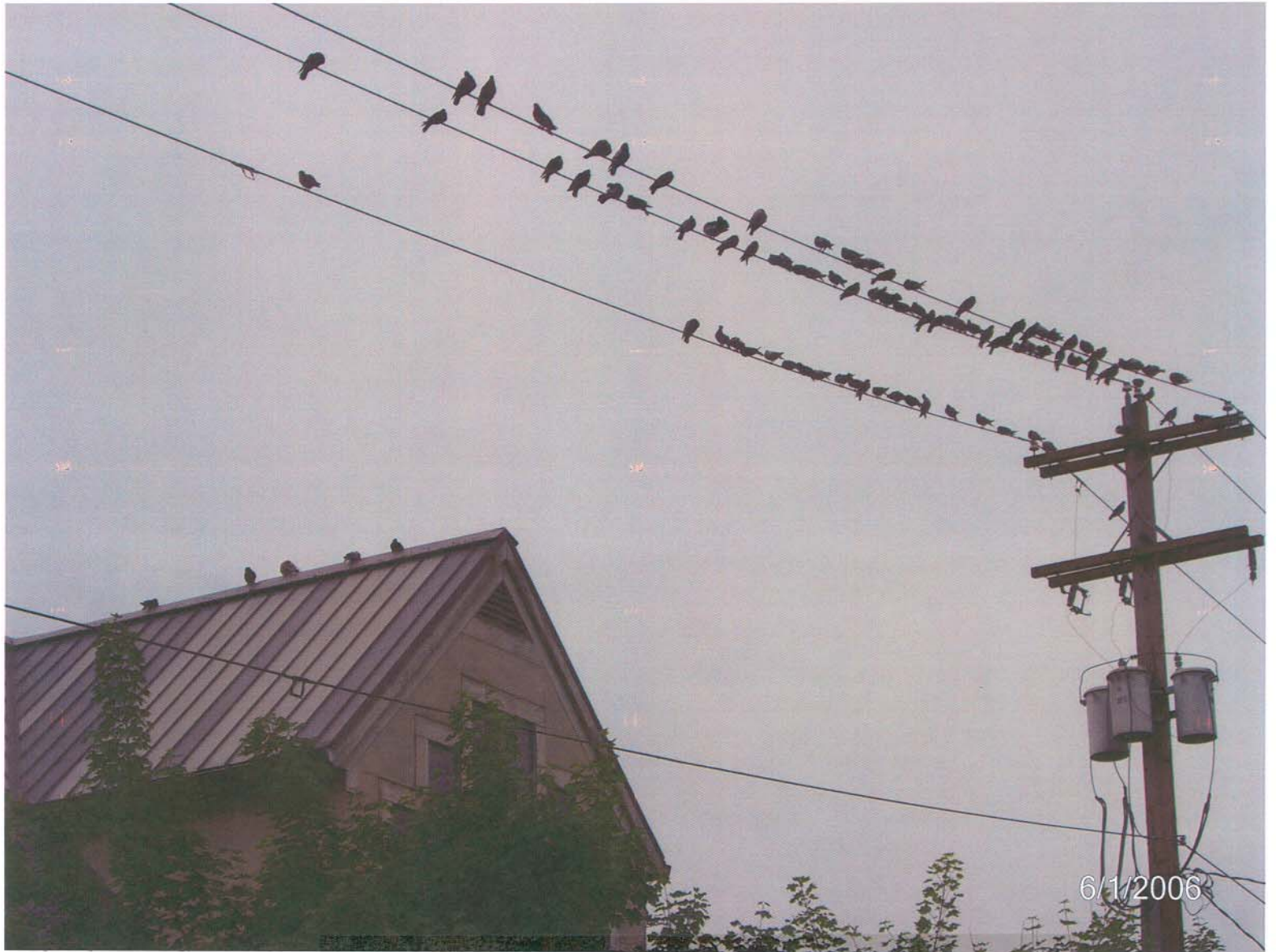
CITY CLERK, MALISA FILES

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
JAMES E. HANEY

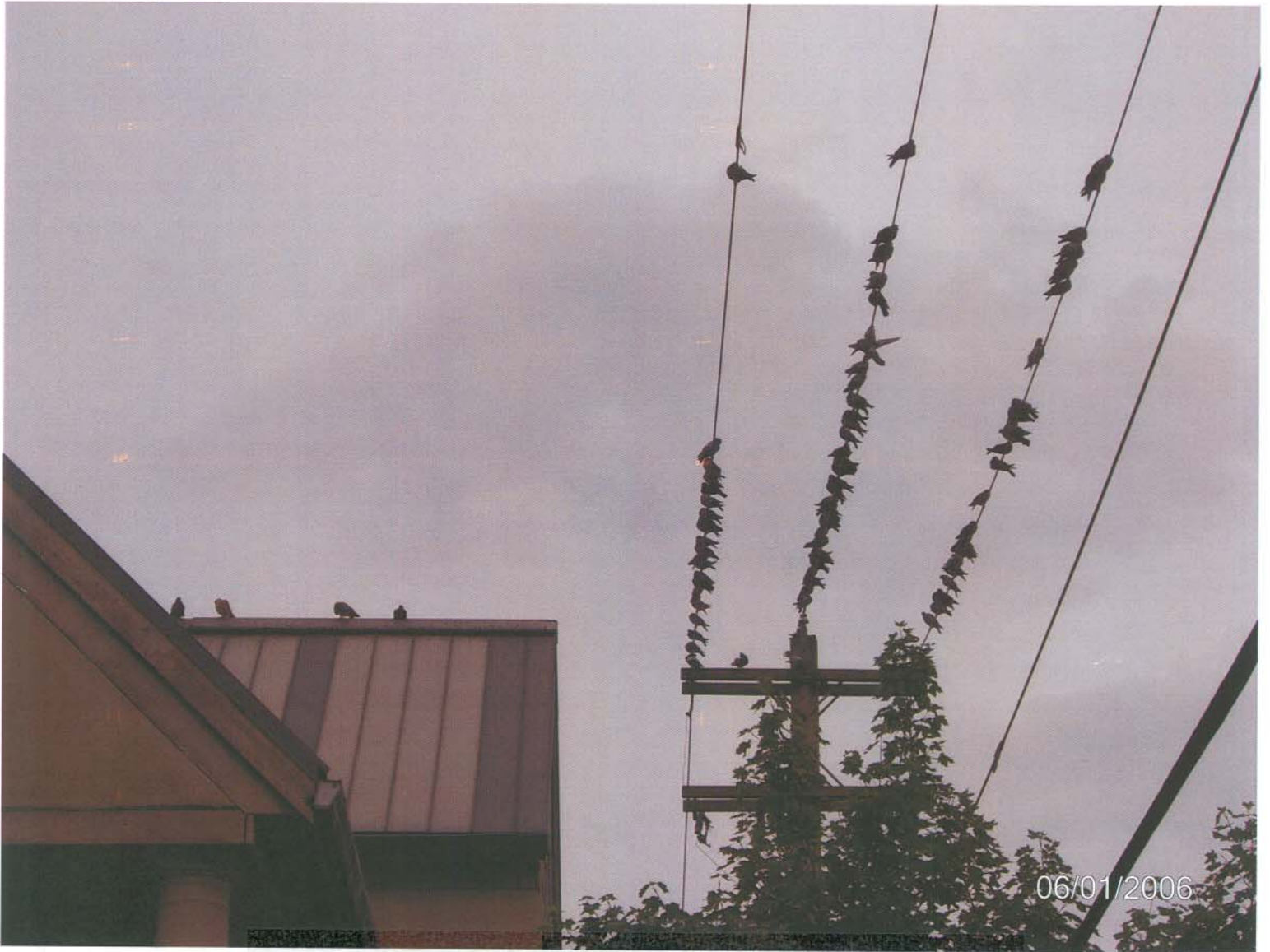
FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

ATTACHMENT B-1



CITY CENTER COMMERCIAL BUILDING
VIEW 1

ATTACHMENT B-2



CITY CENTER COMMERCIAL BUILDING
VIEW 2

ATTACHMENT B-3



CITY CENTER SIDEWALK

ATTACHMENT B-4



RESIDENTIAL NEIGHBORHOOD
FEEDING STATION

ATTACHMENT B-5



COMPLAINANT'S ROOF

ATTACHMENT C

Deborah Farris

From: Jim Cooper
Sent: Thursday, June 29, 2006 1:45 PM
To: Deborah Farris
Cc: Mike Bowling
Subject: Cleaning Pigeon Droppings

Over the last six months, we have cleaned the sidewalk at 85th St. & 164th Ave. nine times to avoid pedestrians possibly slipping. On all occasions the droppings are being flushed into our storm drain system. We do not normally clean sidewalks as public service. Cleaning has involved either using a sewer jet truck or pressure washing in addition to setting up traffic control and using a sweeper afterwards. Total cost for labor YTD is approximately \$2400. I would estimate the equipment costs at right around \$900.

Jim Cooper
Transportation Operations Supervisor

ATTACHMENT D

The Natural Resources Division of Public Works has been sampling surface water (creeks, storm structures) for fecal coliform concentrations since 2001. This category of bacteria has concentration standards set by Washington State's Department of Ecology (WAC-173-201A). This standard is set to limit the impact of pathogens/feces in natural waterways. In Redmond, every location we have tested violates state standards. Fecal coliform is a group of bacteria that indicates the presence of various pathogens, and is abundant in warm blooded intestines. Pigeons are a warm blooded species, reducing their population, by discouraging/eliminating feeding, will reduce how much fecal coliform is introduced into surface waters.

Andy Rheume
IDDE Program Coordinator
Natural Resources Division of Public Works

ATTACHMENT E

7.04.150

they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, pet shops, grooming parlors and guard dog purveyors, trainers and owners. Such rules and regulations may be enacted only after public hearing has been held for such purpose. Enforcement of these rules and regulations may be appealed to the county board of appeals. (Ord. 1371 § 1 (part), 1987).

7.04.152 Household pets. (a) Types. Household pets include animals such as dogs, cats, hamsters, nonvenomous snakes, birds and rabbits. Mink, and both large and small domestic animals are excluded.

(b) Limitation. Each dwelling unit and the accompanying lot or common area is limited to three household pets plus one unweaned litter produced by any of the pets, provided, that this limitation shall not apply to gerbils, hamsters, birds and nonvenomous snakes.

(c) Shelter. Household pets shall be sheltered in the dwelling unit or in a suitable and clean structure located within the building setback lines of the accompanying lot. (Ord. 1442 § 3, 1988).

7.04.154 Beekeeping. Beekeeping, where permitted, is subject to the following requirements:

(a) No more than four hives per lot shall be allowed in areas zoned R-1, R-2, or R-3, and no more than two hives per lot shall be allowed in areas zoned R-4, R-5 or R-6, provided, that a beekeeper who picks up a swarm of bees may hold them for a period of no more than two weeks, notwithstanding the provisions of this section.

(b) Colonies shall be maintained in small movable frame hives.

(c) Adequate space shall be maintained in the hives to prevent overcrowding and swarming.

(d) Colonies shall be requeened with a young hybrid queen annually, or as often as necessary to prevent any swarming or aggressive behavior.

(e) All colonies shall be registered with the Washington State Department of Agriculture

in accordance with apiary law, RCW 15.60.030.

(f) Hives shall not be located within twenty-five feet of any property line, except under the following conditions:

(1) When situated eight feet or more above adjacent ground level; or

(2) When there is a solid fence at least six feet high separating the hive from the property line, extending at least twenty feet from the hive along the property line in both directions.

(g) Bees living in trees, buildings or any other space (except in movable frame hives), abandoned colonies or diseased bees shall constitute a public nuisance and shall be abated, as set forth in this chapter. (Ord. 1442 § 4, 1988).

7.04.156 Small domestic animals. (a) Types. Small domestic animals (mammals and fowl) include rabbits, ducks, geese, swans, chickens and other similar animals. Mink, hogs, large domestic animals and household pets are excluded.

(b) Limitations. In residential districts, no more than ten small domestic animals may be kept on a minimum lot size of one-half acre. In A and G districts, there shall be no limit on the number of small domestic animals kept.

(c) Shelter. Small domestic animals shall be sheltered in a suitable, clean structure which shall be located at least thirty feet away from any property line.

(d) Confinement. Adequate measures shall be taken to prevent animals from straying onto adjacent property. (Ord. 1442 § 5, 1988).

7.04.158 Large domestic animals. (a) Types. Large domestic animals include horses, cattle, sheep, goats, ponies, oxen and other similar size animals. Mink, household pets and small domestic animals are excluded.

(b) Shelter. Large domestic animals shall be sheltered in suitable, clean structures. Structures, confinement and feeding areas associated with large domestic animals shall be located at least thirty feet away from any property line.

(c) Limitations. The minimum land area required to maintain any large domestic animal

ATTACHMENT F

Deborah Farris

From: Andy Rheume
Sent: Wednesday, June 28, 2006 5:04 PM
To: Deborah Farris
Subject: RE: fecal paragraph.doc

The geometric mean of the water entering the Sammamish River, from the 90th street storm water outfall, using data from 2001 to present, is 408 colonies/100mL. The fecal coliform standard for the Sammamish River is not to exceed a geometric mean of 50 colonies/100mL or the entire sample set can not have 10% of the samples exceeding 100 colonies/100mL. 76% of our samples exceed 100 colonies/100mL from this outfall. Applying a standard set for waterways to a storm water outfall is rather questionable, standards for storm water outfalls aren't established. However, the standard for the river is a good tool to measure where we are and what we're contributing to the regional waterway. The Sammamish is listed, in the 303d listings (state list of impaired waters) for fecal coliform. Let me know if you have questions, not exactly strait forward.

Andrew Rheume
IDDE Program Coordinator
Natural Resources Division of Public Works
City of Redmond
(425)556-2774