IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE No. 777

An Ordinance Regulating Roosters, Peacocks and Other Male Fowl Known for Their Loud Call Within the Urban Growth Boundary

The Board of County Commissioners of Washington County, Oregon, ordains as follows:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that roosters, peacocks and other fowl known for their loud call can disturb the peace and tranquility of people living in an urban area.

B. The Board having conducted a public hearing determines that prohibiting the keeping of roosters, peacocks and other male fowl known for their loud call will benefit people living inside the urban growth boundary.

SECTION 2

Attached hereto and incorporated herein is Exhibit 1 (1 page) that adds Chapter 6.05 to Title 6, Animals, of the Washington County Code.

SECTION 3

If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

WASHINGTON COUNTY COUNSEL
155 N. FIRST AVENUE, SUITE 340, MS 24
HILLSBORO, OR 97124-3072
PHONE (503) 846-8747 - FAX (503) 846-8636

SECTION 4.

This Ordinance shall take effect thirty days after enactment.

ENACTED this _____ day of_____, 2013, being the _____ reading and _____ public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

_____
CHAIRMAN

_____
RECORDING SECRETARY

READING		PUBLIC HEARING	
First	_____	First	_____
Second	_____	Second	_____
Third	_____	Third	_____
Fourth	_____	Fourth	_____
Fifth	_____	Fifth	_____

VOTE: *Aye:* _____ *Nay:* _____

Recording Secretary: _____ Date: _____

WASHINGTON COUNTY COUNSEL
155 N. FIRST AVENUE, SUITE 340, MS 24
HILLSBORO, OR 97124-3072
PHONE (503) 846-8747 - FAX (503) 846-8636

Chapter 6.08
ROOSTERS AND PEACOCKS AND OTHER MALE FOWL KNOWN FOR THEIR LOUD CALL WITHIN THE URBAN GROWTH BOUNDARY

Sections:

6.08.010 Applicability.

This ordinance only applies to residents inside the Urban Growth Boundary but outside of incorporated areas.

6.08.20 Roosters and Peacocks Prohibited.

The keeping of roosters, peacocks, and any other male fowl known for its loud call is prohibited.

6.08.030 Penalties.

A. Violation of this chapter constitutes an ordinance infraction and shall be processed according to the procedures set forth in Chapter 1.08 of the County Code.

B. Each violation of a separate provision of this chapter shall constitute a separate infraction, and each day that a violation of this chapter is committed or permitted to continue constitutes a separate infraction.

C. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the County.

6.08.040 Nuisance Abatement and Other Remedies.

In addition to the penalties provided for in WCC 6.08.030 any condition caused or permitted to exist in violation of this chapter is considered a nuisance and may be abated immediately, or in accordance with the abatement procedures set forth in this code, or by any other legal means available to the County.

Testimony

Tom Harry

From: Angie Aguilar
Sent: Thursday, September 12, 2013 2:23 PM
To: Greg Malinowski
Cc: Tom Harry; Stephen Roberts
Subject: FW: Citizen Inquiry - Greg Malinowski- Rooster/chicken

Greg -
See below. Let me know if you want to respond or if you'd rather have staff respond. I've copied Tom Harry because he's keeping track of complaints such as these. He's also working with Philip to put together a website to address some questions. Feel free to ask Tom any questions.
Thx.

From: oregonschlegels@gmail.com [mailto:oregonschlegels@gmail.com]
Sent: Thursday, September 12, 2013 10:08 AM
To: County Administrative Office
Subject: Citizen Inquiry - Greg Malinowski

Email for: Greg Malinowski

Response required? yes
Issue: Suggestion

I hope you are planning to vote in favor of a ban on roosters in residential portions of unincorporated Washington County. More than a year ago, I called your office to register a complaint about the failure of county ordinances to address this issue. I spoke with your receptionist who said she would let you know my views. Today I read in the Beaverton Valley Times that this is a problem county-wide. I live in Raleigh Park, a neighborhood of expensive homes in Raleigh Hills. The resident of a corner lot across from a large apartment complex has chosen to maintain a noisy rooster and chickens for more than a year. As the recent article in the Beaverton Valley Times explains, this is allowed even though roosters crow frequently and throughout the day. In this case, the resident also allows their "free range" chickens to escape into the road causing a traffic hazard and honking, aggravated drivers even on a cut through that is on a bus line! Greg, I can assure you that if you do not vote in favor of and help pass an ordinance to address this major livability issue, accompanied by stiff penalties, I will be going door to door in this complex and surrounding neighborhoods to make sure residents know how you voted - even after my call to your office (which was not returned) and this email. Hopefully that promise will help you realize the extent of the problem. D. Schlegel

Mary J. Lai
17020 SW Whitley Way Ste. 202
Beaverton, OR 97006

October 28th, 2013

Land Use & Transportation
Attn: Tom Harry
155 N First Ave Hillsboro, OR 97124-3072, Suite: 350

Dear Tom Harry,

It has been brought to my attention that the Board of Commissioners is currently considering a proposal, ordinance 777, to completely ban keeping roosters in unincorporated urban Washington County areas. Many incorporated towns such as Beaverton, Portland and Hillsboro currently ban male fowl, so those that wish to keep such birds have found homes in unincorporated areas such as Aloha, where they fall under Washington County guidelines. Although roosters and other livestock are freely permitted in zoned rural areas, many citizens who choose to live in suburban areas do so either out of financial reasons, or career and job obligations.

I'm writing to propose a compromise that I hope you and the other board members will consider instead of an outright ban, something more along the lines of adhering to noise ordinances. The majority of complaints in terms of rooster crowing stem from the birds crowing before reasonable hours (5 am, etc.). To address this issue, I've brought in my two roosters at night and have kept them in a spacious dog crate in my garage. I let them out after 8 am on weekdays, and after 9-10am on weekends. Our property also had thick tree and hedge plantings on all sides. In the year that I've kept them in a very suburban part of Los Angeles, I had never received a single complaint. Could it be possible for residents who keep roosters to consider this as a compromise? A noise ordinance where crowing is not permitted between certain hours.

I've read the minutes that lead up to the submittal of this proposal. An individual had complained about their neighbor's roosters crowing at

unreasonably early hours, and counted over 100 crows just that morning, and this was after he gave up on counting.

As an experienced chicken owner, I and many others would agree that this is not typical rooster behavior, and is unfair to judge all roosters to behave similarly. Likewise, many urban rooster owners are aware of the possible disturbance, so they follow methods like myself to reduce or eliminate disturbing the neighborhood. This ordinance would unfairly punish those who do NOT receive complaints from their neighbors!

I have spoken to many rooster owners who 'keep the peace' with their neighbors by many different means. Some crate them at night as I do. Others sound proof coops or outside crates, and install an automatic coop door that lets the birds out at a pre-determined time if they are unable to let them out at a later time. On a popular backyard chicken forum someone is even developing a harmless 'rooster collar' that reduces the volume of the bird's crowing while still allowing the bird to freely vocalize. Thick hedge plantings also help muffle and reduce noise. There are also methods to reduce crowing behaviorally. Oftentimes an excessive amount of crowing is caused by a lack of enrichment or space; roosters crow for their various reasons, those who understand their chickens well can pinpoint and reduce these causes.

In addition, the ordinance is poorly written. I've examined the urban growth boundary map indicated here: library.oregonmetro.gov/files//a5_ugb_hist092812.pdf This boundary includes a 50 acre farm adjacent to my location in the heart of beaverton, and many small homesteads just across the street from the Ronler Acres Intel campus. What will happen when the urban growth boundary is further expanded on in the future, according to the 2040 Long Term development plan?

There is no reference to a grandfather clause either. Surely there won't be one, as the ones who phone in to voice their grievances are the ones who want their neighbor's birds gone. Is is possible that the offenders were not notified to ameliorate the situation?

I know I'm not the only one who would go to these lengths if it means being allowed to keep my birds. They are very dear pets that are part of the family, ones that I raised from the first day they hatched. Good natured roosters have very wonderful personalities- many friends and family who visit are surprised and liken them to dogs. Chicken owners who wish not to respect their neighbors by compromising and being responsible for their roosters should have no qualms in having to re-home them. But please consider opening a discussion for those who are responsible pet owners. We would like to work out a solution where both parties are satisfied.

If you have any questions or concerns, please feel free to contact me at maryjlai@gmail.com Thank you so much for your time and consideration,

Sincerely,

Mary J. Lai

Recipient Information

To: Sr. Planner, Tom Harry
Fax #: 15038462908

Sender Information

From: Mary Lai
Email address: maryjlai@gmail.com (from 50.53.57.186)
Sent on: Tuesday, October 29 2013 at 12:40 AM EDT

Attn: Tom Harry (Senior Planner, Code Compliance)
Re: Ordinance 777, Rooster Prohibition Within WA County Urban Growth Boundaries

Tom Harry

To: Stephen Roberts; Sia Lindstrom; Philip Bransford; Michelle Pimentel
Subject: RE: Citizen Inquiry - Andy Duyck_Rooters in unicorporated urban Wsh Cty

FYI,
I received a letter from Ms. Lia a couple of days ago and have it in a file I have started regarding roosters. I will put a copy of this e-mail in there as well.
Tom

Tom Harry
Department of Land Use and Transportation
Washington County, Oregon
www.co.washington.or.us
Phone 503-846-3841

From: Stephen Roberts
Sent: Tuesday, October 29, 2013 2:29 PM
To: Tom Harry; Sia Lindstrom; Philip Bransford; Michelle Pimentel
Subject: FW: Citizen Inquiry - Andy Duyck_Rooters in unicorporated urban Wsh Cty

FYI...

Stephen

From: Angie Aguilar
Sent: Tuesday, October 29, 2013 2:24 PM
To: Andy Duyck; Bob Terry; 'bob@fisherfarms.com'; Dick Schouten; Greg Malinowski; 'Roy Rogers'
Cc: Stephen Roberts; Andrew Singelakis
Subject: FW: Citizen Inquiry - Andy Duyck_Rooters in unicorporated urban Wsh Cty

FYI

From: County Administrative Office
Sent: Tuesday, October 29, 2013 1:12 PM
To: 'maryjlai@gmail.com'
Subject: RE: Citizen Inquiry - Andy Duyck_Rooters in unicorporated urban Wsh Cty

Thank you for your email. Your comments will be shared with the Board and staff for consideration.

From: maryjlai@gmail.com [mailto:maryjlai@gmail.com]
Sent: Sunday, October 27, 2013 1:17 PM
To: County Administrative Office
Subject: Citizen Inquiry - Andy Duyck

Email for: Andy Duyck

Response required? yes
Issue:

Dear Chairman Duyck, It has been brought to my attention the Board of Commissioners is currently considering a proposal to completely ban keeping roosters in unincorporated urban Washington County areas. Many incorporated towns such as Beaverton, Portland and Hillsboro currently ban male fowl, so those that wish to keep such birds have found homes in unincorporated areas such as Aloha, where they fall under Washington County guidelines. Although roosters and other livestock are freely permitted in zoned rural areas, many citizens who choose to live in suburban areas do so either out of financial reasons, or career and job obligations. I'm writing to propose a compromise that I hope you and the other board members will consider instead of an outright ban, something more along the lines of adhering to noise ordinances. The majority of complaints in terms of rooster crowing stem from the birds crowing before reasonable hours (5 am, etc.). To address this issue, I've brought in my two roosters at night and have kept them in a spacious dog crate in my garage. I let them out after 8 am on weekdays, and after 9-10am on weekends. Our property also had thick tree and hedge plantings on all sides. In the year that I've kept them in a very suburban part of Los Angeles, I had never received a single complaint. Could it be possible for residents who keep roosters to consider this as a compromise? A noise ordinance where crowing is not permitted between certain hours. I have spoken to many rooster owners who 'keep the peace' with their neighbors by many different means. Some crate them at night as I do. Others sound proof coops or outside crates, and install an automatic coop door that lets the birds out at a pre-determined time if they are unable to let them out at a later time. Thick hedge plantings also help muffle and reduce noise. There are also methods to reduce crowing behaviorally. Oftentimes an excessive amount of crowing is caused by a lack of enrichment or space; roosters crow for their various reasons, those who understand their chickens well can pinpoint and reduce these causes. I know I'm not the only one who would go to these lengths if it means being allowed to keep my birds. They are very dear pets that are part of the family, ones that I raised from the first day they hatched. Good natured roosters have very wonderful personalities- many friends and family who visit are surprised and liken them to dogs. Chicken owners who wish not to compromise out of respect to their neighbors and be responsible for their roosters should have no qualms in having to re-home them. But please consider opening a discussion for those who are responsible pet owners. We would like to work out a compromise. If you have any questions or concerns, please feel free to contact me at maryjlai@gmail.com Thank you so much for your time and consideration, -Mary Lai

Dear Board of Commissioners,

February 21, 2014

I respectfully request that you consider dropping the word male from Ordinance 777 as some situations may arise such as my situation which is geese. My neighbor has geese that make noise constantly through the day that is ear piercing. The sound carries through my windows as if they are not there. I spent 279.00 on a special bedroom window to drown out the noise which did not help. I don't know what I would do if I had to go back to a nightshift schedule. I feel for those around me who now work the nightshift.

I urge you to consider geese on the list of fowl that are prohibited as they are louder and more constant than dogs barking in the neighborhood. If a person has 10-20acres then the noise would tolerable. If a person has .25 acre and all the houses are dense packed then this is a problem for many.

I would be there for your hearing on April 1st but my job demands are currently very high.

Thank you for your time.

Respectfully,

Ray Dalzell
5530 SW 190thAVE
Aloha OR.

Tom Harry

From: Annie Long
Sent: Monday, December 09, 2013 11:48 AM
To: Tom Harry; Maryann Meeuwsen
Cc: Kellie Crowdis
Subject: FW: Noisy Rooster Neighbor

From: sean.kavanaugh@comcast.net [mailto:sean.kavanaugh@comcast.net]
Sent: Monday, December 09, 2013 6:26 AM
To: HHS Code Enforcement
Subject: Noisy Rooster Neighbor

Hello my Name is Sean Kavanaugh,
I would like to Report a Noise complaint, of one of the neighbors behind my house. I live at 13800 S.W. Walker Road one of the Neighbors behind my house has a rooster that I've been hearing waking me up early hours of the morning for about a year. I've been trying to figure out which house it is but can not be exact on which house it is I believe it is 1720 S.W. 139th Ave because when I walked by it the sound of the rooster sounded like it was right next to me. I am unsure of how to go about this does a deputy come out to investigate?. Any information would be greatly appreciated and hope this problem can be resolved, Please feel free to email me back.