

**Councilmember McConnell's question:** I would appreciate staff making their assessment of additional time that it would take to regulate rooster noise in or out of a black box, etc. As I mentioned, roosters have a life span of a dog or cat so I will be taking that into account on the grandfathering of existing Shoreline roosters.

**Proposal by citizen:**

What if the modification to the law were proposed as the following:

1. Roosters were grandfathered in to the new ordinance.
2. Roosters had to be registered, as was the case in the Seattle ordinance.
3. Rooster owners were required to have a "dark box" that included sound deadening materials, similar to ours.
4. If owners did not commit to this "dark box" within the 3 month grace period, then the roosters would need to be removed.
5. If the owners were not diligent in putting their roosters into the "dark box" nightly, then neighbors have the right to call animal control or the police to file a complaint.
6. What the recourse is at this point, I am open to your suggestions.

---

**Staff Time to set up and staff a rooster registration program**

If roosters were grandfathered by a registration program the following would need to occur:

- 1) City would probably want to publicize on Website, Currents and Press Release that all existing roosters must be registered within a specified time period or risk removal. I am assuming that the roosters would be tagged or at least photo verified to ensure only an existing rooster has the right to remain. Enforcement of removal of unregistered roosters would be done on a complaint basis. **Staff time: 3 hours to prepare & post information.**
- 2) Registration application materials would need to be developed by staff. A Dark Box specification sheet will also have to be developed. **Staff Time: 6 hours.**
- 3) Staff would need to be assigned to take on the role of registering roosters. Since installation of a "dark box" is required – staff will also need to make an inspection of the site and box. The minimum charge for such a service is 1-hour which is currently \$153.50. Staff suggests, in addition to the hour charge for the inspection, that a fee be added to cover the staff time associated with registering the rooster, perhaps an additional 20 minutes to a current total of **\$204.66**

**charge to cover 1hr. 20min staff time.** Staff suggests that the installation of the black box be connected to the granting of the registration and subject to the same registration "grace period". This would be less staff intensive, provide more immediate relief for neighbors disturbed by roosters.

**Staff Time to respond to complaints about registered roosters:**

- 1) It is estimated that staff may receive approximately 3 complaints a year regarding registered roosters.
- 2) Complaints about noise associated with roosters can be enforced through the City's Animal Control Service contract and SMC 6.05.020(E) (Animal Code). The Police are also authorized to respond to such complaints under SMC Title 9.05 (Noise Ordinance).
- 3) Staff anticipates that complaints that go through the Animal Control process will follow a process similar to that of a barking dog. When King County Animal Control (KCAC) receives a complaint for a barking dog KCAC will send a letter noticing the offending party that a complaint has been filed. The KCAC will also require that the complainant maintain a diary to document offending instances of animal noise. KCAC also requires that the complainant have up to three other neighbors corroborate the offenses. If with this information KCAC finds that the offenses are substantiated, they will proceed with enforcement actions that could include multiple notices, potential animal impoundment, fines and removal of the animal.
- 4) If a complaint comes to Police during hours when Animal Control is not available the Police may investigate the complaint and let the resident know that they are referring the complaints to Animal Control. It is also possible that they would just refer the issue to Animal Control if there was just a single complaint.
- 5) If a violation of the animal control regulations is verified, then enforcement action begins. The City may want to amend SMC 6.40.060 Penalties to include Animal Noise Violations that mirror the penalties in SMC 9.05 Public Disturbance Noise Violation-Penalty section (civil fine not to exceed \$250 for the first offense). The first violation penalty is \$50 for animal control violations seems too low to cause compliance.
  - a. Issue infraction(s)– **staff time:1- 2 hours each infraction (Animal Control Officer)**
  - b. If after infraction(s) the problem continues, charge rooster owner with a misdemeanor which can include imprisonment up to 90 days
  - c. Alternative to infractions & jail time - Prepare Notice and Order with compliance being remove rooster(s) from the City within X weeks - **staff time: 4+ hour (Animal Control Officer)**
- 6) If compliance is not achieved (i.e. owner does not remove rooster), seek Court Order to abate- remove rooster – **staff time 40+ hours (legal, animal control officer).**

**Issue: When a property contains more than one rooster and all of the roosters are registered, and a noise complaint is received - will all of the**

**roosters be required to be removed? Will the animal control officer be required to determine which rooster or roosters are violating the code?**

**Summary**

Based on the process outlined above the primary City staff time would be focused on developing the registration program. The response to complaints would primarily be performed by King County Animal Control.

Staff continues to recommend that from an enforcement standpoint the most cost effective and permanent solution to resolving noise complaints about roosters, is to make a policy decision that the noises roosters make unreasonably disturbs the peace and comfort of others, which is the City's definition of a public disturbance noise. The result would be the banning of roosters. This solution is of course disturbing to people that are attached to their roosters. Unfortunately, setting up a program to register existing roosters, inspecting black boxes and monitoring said program over time is not in the City's budget; nor is shifting Police resources away from protecting the public from greater dangers to respond to complaints about the remaining grandfathered roosters recommended. If the Council does not grandfather existing roosters, dayshift code enforcement staff and King County Animal Control can enforce the ban.

## Chapter 6.30

### Prohibited Acts

#### 6.30.010 Nuisances prohibited.

A. for purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows:

...

8. any domesticated animal that howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree;

...

#### 6.40.020 Impoundment

A. The director of the animal care and control authority and the director's authorized representatives may apprehend any animals found doing any of the acts defined as a public nuisance or being subjected to cruel treatment as defined by law....If reasonably possible, the animal care and control authority shall return the animal to the owner together with a notice of violation of this title.

#### 6.04.030 Notice and order

...

B. ...The notice and order shall contain:

...

4. A statement of the action required to be taken to abate the violation, as determined by the director of the animal care and control authority.

a. If the director or officer determined the animal in violation must be disposed with, the order shall require that the abatement be completed within a specified time from the order as determined by the director to be reasonable.

b. If the director of the animal care and control authority determined to assess a civil penalty, the order shall require that the penalty shall be paid within 14 days from the order; . . .

#### **6.40.060 Penalties**

A. Civil Penalty. Violations of this title shall incur the civil penalties set forth below, in addition to or as an alternative to any other penalty provided in this chapter. The civil penalty and the cost of abatement are also personal obligations of the animal owner.

...

##### **6. All other Violations**

- a. First violation : \$50.00
- b. Second violation within one year; \$100
- c. Each subsequent violation within one year is double the rat of the previous penalty up to a maximum of \$1,000.

|