

May 7, 2021

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

ORDER

SUBJECT: Regional Animal Services of King County file no. **V21011787-A21001291**

ANNA WEST

Animal Services Enforcement Appeal

Activity no.: A21001291

Appellant: **Anna West**

[REDACTED]
Lake Forest Park, WA 98155

Telephone: [REDACTED]

Email: [REDACTED]

King County: Regional Animal Services of King County
represented by **Chelsea Eykel**
Regional Animal Services of King County
21615 64th Avenue S
Kent, WA 98032
Telephone: (206) 263-5968
Email: raskcappeals@kingcounty.gov

In the case before us, Animal Services served a violation notice asserting that Ms. West's chickens were violating KCC 11.04.230.K, trespassing on Mr. Kaleas's property. As we explained in granting Ms. West's appeal on May 4, because of the way KCC 11.04.230.K and KCC 11.04.020.G are written, a chicken simply cannot trespass.

On May 5, Mr. Kaleas copied us on the following:

----- Forwarded message -----

From: Jack Kaleas <jack.kaleas@gmail.com>

Date: Wed, May 5, 2021 at 7:32 PM

Subject: chicken ordinances in LFP

To: <citycouncil@ci.lake-forest-park.wa.us>

I am hereby attaching a ruling on my next door neighbor's chickens constantly intruding into my yard and having caused significant property damage to me. The ruling basically says that, per King County law definitions, chickens are not considered to be animals.

But, LFP Chapter 6.04, Section 6.04.020 says that, regarding "At large public nuisance" that "No owner.....shall permit them to go at large. A violation of this section is a nuisance and danger to the public health, safety and welfare." LFP rules do not seem to make the ridiculous error and loophole contained in the King County rules, regarding chickens. Accordingly, it would seem that my next door neighbor, Anna West, is committing a violation of LFP laws every time her chickens have constantly been in my yard for many years now.

The ruling basically implies that I have no recourse to these chickens constantly invading my yard and having caused significant property damage to me. I have asked Sgt. Jason Becker of the LFP Police Dept. to have an officer visit me at my property and to assure me that I will not be arrested or found to be in other violation of relevant laws if I simply "shush" the chickens back into Anna West's yard after they have repeatedly and constantly invaded my yard. To date, Sgt. Becker has not agreed to my request. This definitely concerns me, that I have to date found no support or reassurance for me as a law abiding citizen of LFP.

I respectfully request that you reply to my above statements as soon as possible. Thank you.

Jack (John R.) Kaleas

That has no impact on the *current* case: Ms. West was cited for, and appealed, a violation of KCC 11.04.230.K, which, as explained in our order, her chickens could not have violated. That is all we have jurisdiction to decide in the current appeal.

However, Mr. Kaleas points to a *different* city code section, from a 1970 city chapter predating by almost a quarter century Animal Services' 1994 entrance onto the scene and Lake Forest Park's adoption of KCC chapter 11.04. LFPMC 6.08.020; LFPMC 6.18.010 & .020. That section states that, "No owner or custodian of animals shall permit them to go at large. A violation of this section is a nuisance and dangerous to the public health, safety and welfare." LFPMC 6.04.020. (Note, a different city chapter, also from 1994, explicitly rejected the County definitions for "running at large" and "under control," in favor of its own definition of "at large" as "off the premises of the owner and not under the control of the owner by leash; provided, that an animal

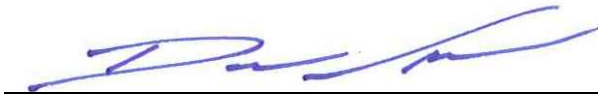
within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises." LFPMC 6.02.030, .020.B.)

Whether Animal Services can or should bring a *future* enforcement action under that (or any other) code section is a different matter, one not covered by our dismissal of the alleged KCC 11.04.230.K violation.

Finally, Mr. Kaleas wrote that our dismissal "basically implies that I have no recourse to these chickens constantly invading my yard and having caused significant property damage to me." That appears to have missed a large chunk of our order. We noted the significant bad blood between Mr. Kaleas and Ms. West, and we wrote that if Mr. Kaleas believes that Ms. West's chickens are causing damage to his property, he could file a damages action against Ms. West. Moreover, we provide a link to a free County mediation provider (<https://kingcounty.gov/depts/alternative-dispute-resolution.aspx>) who might be able to help the neighbors reach a more comprehensive solution. Certainly that would be a less resource-intensive approach, given that apparently the police and now even the city council have been roped into the neighbors' dispute.

This will be our final word on the matter unless or until we receive a future appeal of a future notice and order.

DATED May 7, 2021.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless appealed to superior court by *June 7, 2021*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V21011787-A21001291**

ANNA WEST

Animal Services Enforcement Appeal

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER** to those listed on the attached page as follows:

EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED May 7, 2021.



Jessica Oscoy
Office Manager

Eykel, Chelsea

Regional Animal Services of King County

Kaleas, Jack

Hardcopy

West, Anna

Hardcopy