

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2010-145A

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Weimer				4/13/2010	Public Works/ Introduction
Division Head:				4/27/2010	Hearing
Dept. Head:	<i>AB</i>	4-16-10			
Prosecutor:	<i>KNF</i>	4/12/10			
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

AN ORDINANCE AMENDING, ON AN INTERIM BASIS, WHATCOM COUNTY CODE 10.44 – HORSES ON CERTAIN ROADS

**ATTACHMENTS:**

*Proposed Ordinance*

SEPA review required? ( ) Yes ( X ) NO  
 SEPA review completed? ( ) Yes ( ) NO

Should Clerk schedule a hearing? ( X ) Yes ( ) NO  
 Requested Date:

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

An ordinance amending Whatcom County Code 10.44 on an interim basis to allow certain horse drawn carriages to operate from 2 PM Sunday to 2 PM Friday along the section of Birch Bay Drive between Harborview Road and Alderson Road during the summer of 2010.

**COMMITTEE ACTION:**

4/13/2010: Amended and forwarded to Council for approval

**COUNCIL ACTION:**

4/13/2010: Introduced with revised Exhibit A  
 4/27/2010: Council Adopted 7-0  
 Ord. 2010-020

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Ord. 2010-020

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).

**PROPOSED BY: WEIMER**  
**SPONSORED BY: CONSENT**  
**INTRODUCTION DATE: APRIL 13, 2010**

**ORDINANCE NO. 2010-020**

**AMENDING WHATCOM COUNTY CODE CHAPTER 10.44, ON AN INTERIM BASIS, TO ALLOW CERTAIN HORSE DRAWN CARRIAGES TO OPERATE ON A SECTION OF BIRCH BAY DRIVE DURING THE SUMMER OF 2010**

**WHEREAS**, Whatcom County allows horse drawn carriages to operate on all other roads within its jurisdiction; and,

**WHEREAS**, the Whatcom County Council supports the development of new businesses that support the growth of tourism; and,

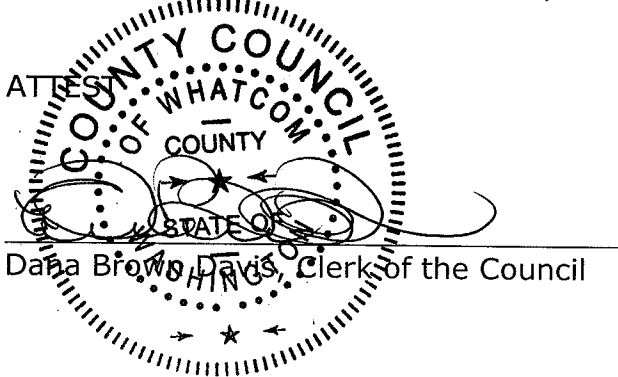
**WHEREAS**, such a new business has brought a proposal forward for consideration with the support of the Birch Bay Chamber of Commerce and many others in the Birch Bay community; and,

**WHEREAS**, this proposal is only for a trial period during limited hours on a limited section of Birch Bay Drive during the summer of 2010; and

**WHEREAS**, concerns regarding traffic safety, potential pollution, and animal welfare from such operations appear to have been adequately addressed,

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code 10.44 is hereby amended, on an interim basis not longer than six months, as indicated in Exhibit A.

**ADOPTED** this 27th day of April 2010.



WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Sam Crawford  
Sam Crawford, Council Chair

APPROVED AS TO FORM:

Karen H. Frank  
Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

Pete Kremen  
Pete Kremen, County Executive  
(  ) Approved ( ) Denied

Date Signed: 4/30/10

## **EXHIBIT A**

(INTERIM ORDINANCE AMENDING WCC 10.44)

### CHAPTER 10.44 HORSES ON CERTAIN ROADS

#### 10.44.010 Unlawful practices.

It shall be unlawful for any firm, person, company or corporation to ride, lead, or use any horse or horses within the county right-of-way on Birch Bay Drive between Pt. Whitehorn Road and Shintaffer Road between May 1st and September 30th of each year, except police officers or park patrol officers in the performance of their duties. (Ord. 85-29 § 1).

#### 10.44.020 Parades excluded.

This chapter does not apply to the use of horses in formal parades which are conducted under valid permit or license. (Ord. 85-29 § 2).

#### 10.44.025 Horse drawn carriages for hire excluded.

This chapter does not apply to for hire horse drawn carriage rides that operate Monday through Thursday after 6 p.m. and Sunday between the hours of 2 and 4 p.m. on Birch Bay Drive between Harborview Road and Alderson Road, which have obtained an approved right-of-way permit from the Public Works Department. The permit will at a minimum include a description of the vehicle to be used, days and hours of operation, proposed routes and stops, description of proper manure collection device, a description of how animal welfare will be considered, and copies of all required state permits and licenses.

#### 10.44.030 Violations and penalties.

Violations of any of the provisions of this chapter shall constitute a misdemeanor and upon conviction shall be punishable by fine not to exceed \$100.00. (Ord. 85-29 § 3).