INTRODUCTORY LOCAL LAW NO. 7 – 2023

A local law proposing to amend Chapter 520 – Zoning Article VI (Miscellaneous Regulations §520-41) of the Code of the Town of Hamlin said amendment to read and provide as follows:

The keeping of animals and poultry shall be permitted within the Town of Hamlin, subject to the following restrictions:

A. The number of dogs which may be maintained in a residential building is addressed in Subsection **B** of § **187-11** of Chapter **187** of the Code of the Town of Hamlin (Dog Licensing and Control Law). [Amended 5-25-2016 by L.L. No. 2-2016]

B. Chickens and Hens

Any resident desiring to keep chickens or hens at his or her residential property (that does not constitute a farm) may do so on less than one acre of land with a back yard chicken license ("license") from the Town in accordance with this section.

(1) **LICENSE APPLICATION**

The application shall be made to the Building Department and shall include the following information:

(a) The name, phone number and property address of the applicant(s).

(b) The size of the subject property.

(c) A description of any coops, cages and runs that will house the chickens, together with a description of any fencing, barriers or enclosures surrounding the curtilage of the property.

(d) A scaled drawing showing the precise location of cage, coop, enclosure, run, fences and barriers in relation to the property lines and to structures on the subject and adjacent properties.

1. Coops shall be set back ten (10) feet from any structure, side lot line and back lot line.

(e) A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of rodents and insects.

(f) A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of chickens as described in the license application.

(g) A chicken license fee, in accordance with the Town of Hamlin Fee Schedule.

(h) An application for a building permit, including the associated fee, unless the applicant already has a code complaint chicken coop with a valid certificate of compliance.

(2) CHICKEN COOP REQUIREMENTS

(a) Enclosures; coops and cages.

1. Chickens should be kept within both a coop and a fenced outdoor enclosure/run.

2. The coop must be kept in a clean, dry and sanitary condition at all times.

3. The outdoor enclosure/run shall be adequately fenced to contain the chickens and to protect the chickens from predators. It shall be cleaned on a regular basis to prevent the accumulation of animal waste.

4. The chicken feed or other food used to feed the chickens shall be stored in a ratproof, fastened container stored within a structure, which shall only be unfastened for the retrieval of food and shall be immediately refastened thereafter.

5. The chickens shall be fed only from an approved trough. Scattering of food on the ground is prohibited.

(3) Number of chickens permitted:

1. A valid license shall permit the keeping of up to six chickens on a lot less than one acre in size.

2. No license shall be required for Ten chickens or hens on a lot of one acre, and an additional 10 chickens or hens are allowed for each additional acre. Notwithstanding the foregoing, no roosters are allowed on any lot of less than five acres.

(4) Sanitation and nuisances.

1. Chickens shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and so as to comply with applicable provisions of both the New York State and Monroe County Sanitary Codes.

2. Chickens shall not be kept in a manner that is injurious or unhealthful to any other animals or person.

(5) RESTRICTIONS.

The following shall be prohibited under this section:

(a) The keeping of chickens at multifamily complexes, including duplexes;

(b) The keeping of rooster – only chicken hens are permitted on lots under 5 acres;

(c) The keeping of chickens in other than the rear or back yards;

(d) The keeping of chickens in other than a chicken coop with a certificate of compliance pursuant to this section, as above stated;

(e) The keeping of chickens for other than personal use only – no person shall sell meat or engage in chicken breeding or fertilizer production for commercial purposes; and

(f) The obtaining of more than one chicken coop license for adjacent properties under common ownership and tenancy.

(6) **REVIEW AND ISSUANCE OF LICENSE; EXPIRATION.**

A. If the application materials appear to be in compliance with this section, and there is not already a complaint chicken coop with a valid certificate of compliance on the property, the Building Inspector or designee shall issue a building permit for the chicken coop.

B. The owner shall notify the Town when the chicken coop construction is complete or when a code-compliant coop is already present; and within 30 days of such notification, the Building Inspector or designee shall inspect the chicken coop to ensure compliance herewith.

(1) If the chicken coop is in compliance with this section, the Building Inspector shall then issue a certificate of compliance.

(2) After the applicant obtains a certificate of compliance, and so long as the license application is in good order, the Building Inspector or designee shall issue a license allowing the keeping of chickens on the property by the licensee.

(3) The license SHALL be limited to the applicant and the subject property only and SHALL not be transferable to another individual or to another property.

C. Any chicken coop that is abandoned for a period of two years or more shall result in the expiration of the certificate of compliance and accompanying license and would require a new application for the keeping of chickens.

(7) **ENFORCEMENT AND REVOCATION.**

(a) This section SHALL be enforced by the Town Code Enforcement Officer or designee.

(b) As a condition of holding a license, all licensees agree that the Code Enforcement Officer may enter onto the subject property, outdoors only, for the limited purpose of certifying compliance with license.

(c) Should the Town Code Enforcement officer find a violation of this article, he may issue a notice of violation and order to correct, providing seven (7) days to correct.

(d) Should the violation fail to be corrected within seven (7) calendar days the Code Enforcement Officer may issue an information and complaint in relation thereto, and upon a guilty finding, the licensee may be fined up to One Hundred Dollars ($100.00) for each violation. Each day of continued violation shall be considered an additional violation.

(e) In addition to issuance of an information and complaint, or in the alternative, should a violation fail to be corrected within seven (7) days, the Code Enforcement Officer may revoke the subject license, requiring removal of the chickens within seven (7) days. Within seven (7) days of such revocation, the licensee may provide a written notice of appeal of such revocation to the Town Board, which shall temporarily stay the revocation. Within thirty (30) days thereof, the Town Board shall hold a public hearing on such revocation where the licensee and Code Enforcement Officer shall each present their case. Should the Town Board find sufficient evidence of the violation it may uphold the determination to revoke the license, requiring removal of the chickens within seven (7) days thereof. Otherwise, the revocation shall be annulled, and the license may continue. Upon revocation, all chickens shall be removed from the property within seven (7) days, and no license may be issued to the licensee or the subject property for a period of one (1) year.

(f) Moreover, should more than two (2) notices of violation and orders to correct be issued against a licensee within a period of one year, regardless of whether they have been corrected, the Code Enforcement Office may revoke the license. Appeal of such revocation shall be handled in accordance with subsection (e) above.

B. Farm animals; required enclosures and fences.

(1) Animals.

(a) Type and amount allowed.

[1] Farm animals and poultry other than hens and chickens.

[a] For lots of five acres, which shall, for purposes of this section only, include that portion of a lot within a street, highway or alley right-of-way, the following will be allowed:

[i] Two adult horses or cattle or swine;

[ii] Two juvenile offspring of horses, cattle or swine;

[iii] Four sheep or goats or other fur-bearing animals;

[iv] Twenty-five poultry other than chickens and hens;

[v] Twenty-five juvenile poultry.

[b] For each additional acre, the following will be allowed:

[i] One horse or cattle or swine per acre;
[ii] One offspring of horse, cattle or swine per acre;

[iii] One sheep or goat or other fur-bearing animal per acre;

[iv] Five poultry other than chickens or hens per acre;

[v] Five juvenile poultry, other than chicken or hens per acre.

[3] Domestic game birds on shooting preserves. On shooting preserves permitted by special use permit pursuant to the provisions of § 520-11A(3)(e) of this chapter, the number of domestic game birds permitted is not restricted by any restrictions on the amount of poultry allowed by this § 520-41.

(b) No building in which farm animals or poultry are kept shall be located within 50 feet of any lot line or within 150 feet of any adjoining residence.

(c) There shall be no storage or piling of manure within 200 feet of any adjoining residence or within 100 feet of any lot line. All such manure shall be stored, treated and/or removed in such a manner as not to create any odor or attract any rodents, flies or other insects. Storage and disposal of animal manure must meet all applicable standards of Article II of the Monroe County Sanitary Code addressing general sanitation.

(d) No swine shall be kept within 500 feet of any adjoining residence or 200 feet of any lot line.

(e) No farm equipment and/or supplies shall be kept within 30 feet of any lot line or within 100 feet of any adjoining residence unless in an accessory building subject to applicable regulations.

(f) Any roofless enclosure provided for such animals on the premises shall be located the greater of 150 feet to the nearest dwelling unit on an adjoining lot or 30 feet from any side or rear boundary line and not less than 75 feet from any front boundary line. This provision may be varied upon application to the Zoning Board of Appeals, provided that it finds that other conditions

which it shall impose shall be sufficient to prevent adjoining or nearby premises from being adversely affected.

(2) Confinement of farm animals.

(a) "Farm animal," as used in this section, means any ungulate poultry, species of cattle, sheep, swine, goats, llama, horses or fur-bearing animals, as defined in § 11-1907 of the Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

(b) Every person who shall own, keep or suffer to be kept any cattle, swine, sheep, horses, goats or fowl upon any premises owned or occupied by him shall provide and maintain in good repair fencing of sufficient strength and height and so located as to prevent any animals from straying off such premises owned or occupied by him onto lands owned by another or onto any public highway.

(c) No person who shall own, keep or suffer to be kept upon any premises owned or occupied by him any cattle, swine, sheep, horses, goats or fowl shall permit or allow any such animals to run at large or to enter the premises of any other person or any public highway.

(d) Any person harboring any such animal for a period of two weeks prior to any violation of this section shall be deemed to be the owner of such animal. Additionally, a tenant or lessee of property may not own, keep or suffer to be kept upon such property any cattle, swine, sheep, horses, goats or fowl without the written permission of the owner of the premises.

(e) Any premises or enclosure occupied or used for harboring or keeping any cattle, swine, sheep, horses, goats or fowl shall be kept in a clean, habitable condition at all times.

(f) The presence of any cattle, swine, sheep, horses, goats or fowl on the premises of any other person without his permission or upon any public highway shall be prima facie evidence of a violation of this section. The Building Inspector of the Town of Hamlin shall enforce the provisions of this section. Any violation is subject to the penalties as set forth in § 520-72 of this Zoning Law. [Amended 1-8-2018 by L.L. No. 2-2018]

(3) Fences.

(a) Barbed wire fences shall be permitted in R-VL Districts only.

(b) Electrification of a fence may be permitted in R-VL Districts only, provided that the electrical charge in said fence is not harmful to persons who may come in contact with said fence.

(c) The minimum setback for a fence shall be the greater of:

[1] One hundred fifty feet to the nearest dwelling unit on an adjoining lot; or

[2] Thirty feet to the nearest lot not owned by the person who owns the lot on which said corral fence is located.

(4) For lots greater than 10 acres or located in a county-legislature-approved agricultural district or that have entered into an individual commitment pursuant to Article 25AA of the New York State Agricultural and Markets Law, all customary farm practices involving the keeping of farm animals are permitted, provided that such practices are not injurious to the public health and safety, do not violate the standards set forth in the Monroe County Sanitary Code, and do not violate any specific requirements of this section.

C. Public stables are permitted in the R-VL District only and are subject to the following regulations:

(1) Special use permit approval from the Planning Board.

(2) The minimum area and amount of animals for a business or private stable shall follow the farm animal allowance per Subsection **C(1)**.

(3) Details of operation. The details of operation for a stable shall be subject to the review and approval of the Planning Board. Said details shall include but shall not be limited to:

(a) The maximum number of horses or ponies proposed to be kept at the public stable.

(b) The location of barns or fences on the premises.

(c) The storage location for manure or other substances which produce dust or odor.

(d) The use of electrified wire.

(4) Setbacks.

(a) Setbacks for barns. The minimum setback for a barn at a stable shall be the greater of:

[1] One hundred fifty feet to the nearest dwelling unit on an adjoining lot; or

[2] Fifty feet to the nearest lot not owned by the person who owns the lot on which said barn is located.

(b) Setbacks for substances which produce dust or odor. The minimum setback for the storage of manure or other substances which produce dust or odor shall be the greater of:

[1] Two hundred feet to the nearest dwelling unit on the adjoining lot; or

[2] One hundred feet to the nearest lot not owned by the person who owns the lot on which said substances are located.

D. Certain animals prohibited. The keeping of any animal which may not be lawfully owned by individuals pursuant to the laws of the State of New York is prohibited in the Town of Hamlin.