

VILLAGE OF TIVOLI

LOCAL LAW NO. A (PROPOSED) OF 2017

**A local law to amend the Zoning Law of the Village of Tivoli to permit the keeping of hens**

Be it enacted by the Village Board of the Village of Tivoli as follows:

*Section 1.* Legislative intent. The keeping of hens supports a local, sustainable food system by providing an affordable, nutritious food source for fresh eggs. The keeping of hens also provides free nitrogen-rich fertilizer, chemical-free pest control, animal companionship, and weed control, among other benefits. The purpose of this law is to enable residents to keep a small number of hens for non-commercial use while creating standards that ensure that such domesticated hens do not adversely affect the neighborhood surrounding the property where such hens are kept.

*Section 2.* Section 231-4 of the Village of Tivoli Zoning Law, entitled, "Definitions" is hereby amended by inserting the following new definition:

Hen – a female domestic chicken (*Gallus gallus domesticus*). Roosters and other types of domestic fowl are intentionally excluded from this definition.

*Section 3.* Section 231-4 of the Village of Tivoli Zoning Law, entitled, "Definitions" is hereby amended by replacing the definition of "Animal Husbandry" with the following new definition:

Animal husbandry- The keeping, grazing, feeding and care of animals other than household pets and hens. The minimum lot size (~~except for farms~~) shall be one acre for each horse, pony or similar large animal, including sheep and goats, which is kept, grazed, bedded or cared for on a property. The term, "animal husbandry" shall not be construed to include the activities of fur farms, pig farms or cage-type poultry houses. Animal husbandry is not permitted except on a farm.

*Section 4.* A new section 231-32 is added to the Village of Tivoli Zoning Law to read as follows:

§ 231-32. Keeping of hens on non-farm lots.

A. The keeping of hens for personal use is permitted as an accessory use on a residential lot in the R1A, R2A, R3A, R15,000 and LC Districts, provided the following criteria are met:

1. All hens shall be provided an enclosed shelter and a fenced run inaccessible to predatory animals. The shelter and fenced run shall be located behind the front building line of the residence and set back at least 15 feet

from the property boundary.

- a. In the R15,000 district, the fenced run shall be fully screened from view from any neighboring front yard by an opaque fence, shrubbery, or other screening of a height equivalent to the structure being screened.
  - b. The enclosed shelter shall provide a minimum floor space of four (4) square feet per hen. The fenced run shall have a minimum of eight (8) square feet per hen.
2. The shelter shall be maintained in a clean, dry and in sanitary condition at all times so as not to endanger the public health and safety. Animal waste, uneaten or discarded food, and feathers are to be removed regularly with a minimum frequency of once per week.
  3. Feed shall be stored indoors or in metal containers and securely covered with metal covers.
  4. Hen waste must be disposed of in a safe and sanitary manner with a minimum frequency of once per week or may be composted on site with sufficient green vegetation and soil so as to prevent odors from leaving the property.
  5. Odor from hens, animal waste and related substances shall not create a nuisance for occupants of nearby buildings or properties.
  6. Hens shall be confined at all times to the lot on which they are kept, possessed or maintained. Free-range hens are prohibited.
  7. No more than six (6) hens are permitted on a lot of an acre or less and no more than twelve (12) hens are permitted on a lot of more than one acre.
- B. Except as provided in subsection 231-32(E)(2) below, the keeping of fowl other than hens, including but not limited to roosters, ducks, geese, turkeys, guinea fowl, peacocks and peahens, is not permitted on a non-farm lot.
- C. It shall be unlawful to cause, permit or allow any hens or other fowl to be kept in such a manner as to constitute a nuisance or to create a hazard to public health or in any manner which either annoys, disturbs, injures or endangers or tends to annoy, disturb injure or endanger the comfort, repose, health, peace or safety of the public.
- D. A non-transferable license must be obtained from the Village Clerk prior to the keeping of hens on a lot and shall be renewed as required by resolution of the village board.
1. If an applicant is not the owner of the lot the license application shall be accompanied by a notarized letter from the owner authorizing the keeping of hens.
  2. Prior to issuance of the license, the CEO shall inspect the premises and confirm in writing that the standards in subsection 231-32(A) are met.

Draft 8 10 17

3. The village board may establish by resolution a fee for each license and renewal thereof.

E. Compliance Requirements.

1. Owners of hens existing at their property at the time of adoption of this Section shall have sixty days from the effective date to come into compliance with the provisions of this Section and obtain a license.
2. Owners of fowl, other than hens, existing at their property at date of adoption of this Section shall obtain a license which may include keeping such existing fowl if they come into compliance with the provisions of this Section (other than subsection 231-32(B)) within sixty days of the effective date and any such existing birds are registered with the Village Clerk within thirty days of the adoption of this Section, including photographs or other identifying information, and provided such existing fowl may be permitted by such license only until such birds decease.

- F. Violations. In addition to the penalties in Article IX of the Zoning Law, a license for the keeping of hens shall be automatically revoked for a period of two years upon conviction of a third offense related to this Section and no new license for the same property or owner shall be issued for a period of 2 years from the date of conviction.

*Section 5. Severability.* If any provision of this local law or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this local law or the application thereof to other persons and circumstances.

*Section 6. Repeal.* All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

*Section 7. Effective Date.* This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.