

LOCAL LAW No. 3 of 2015

A Local Law amending Section 75.18 of the Town Code to provide regulations for the keeping of Chickens and Ducks in the R1, R2, R3, A, and A1 Zoning Districts

Section 1. Section 75.18 (J) the Code of the Town of Rosendale is amended to add the following language, immediately following the existing Section 75.18

A. Keeping of Chickens and Ducks.

1. Purpose and Intent

The purpose of this section is to provide appropriate standards and regulations for keeping chickens and ducks for non- commercial purposes within a residential environment so as to avoid adverse impacts on neighboring properties and residents, and to provide for the health and safety of the chickens and ducks.

2. Definitions

Livestock – Domesticated animals, including poultry that are raised in an agricultural setting to produce commodities such as food, fiber and labor.

Poultry – Domestic fowl, including chickens, turkeys, pheasants, ducks or geese that are raised for meat or eggs.

Chicken – For the purpose of this code, a chicken (*Gallus domesticus*) refers only to a female chicken (the hen).

Coop – The covered house, structure, or room that is required to provide chickens with shelter from the weather, protection from predators, and a place to lay eggs and to roost.

Chicken/Duck enclosure (or run) – An enclosed fenced (or wire) area or pen, with or without overhead screening, associated with a coop or duck house that is safe from predators, allows for exercise and access to a foraging area and sunlight and which keeps chickens and ducks maintained within the boundaries, in accordance with all required setbacks.

Cull – To re-home or to kill unwanted chickens.

Duck House - The covered house, structure, or room that is required to provide ducks with shelter from the weather, protection from predators, and a place to lay eggs and to roost.

3. General conditions for the keeping of chickens and ducks in R 1 , R 2 , R 3 , A and A 1 zoning districts.

- A. Only female chickens, or hens, ducks and drakes may be kept. The keeping of roosters, and any other type of poultry or livestock is prohibited.
- B. 1. In the R1, R2, R3, District, a limited number of chickens and ducks are permitted, subject to obtaining a Permit from the Town Building Department, provided the chickens and ducks are humanely cared for and do not constitute a nuisance or create a hazard to public health. Maximum number of chickens, ducks, or combination of chickens and ducks per lot size:
 - Under One half acre - 6
 - At least One half acre but less than one acre - 8
 - At least One acre, but less than 3 acres - 12
 - 3 acres or over: 18
- B. 2. In any A or A1 District up to 18 chickens, ducks, or a combination of chicken and ducks can be maintained, as of right provided all regulations contained in this Section 75-18(J) are complied with.
- C. Chickens and ducks must be confined at all times to the chicken/duck enclosure.
- D. The coop/duck house and enclosures may not be located in front or side yards. Coops, duck houses and enclosures must be a minimum of 50 feet from any neighboring residence, building, pool, deck or patio, and shall comply with a setback of at least 15 feet from any lot line OR the minimum setback of the District in which they are located, whichever is greater. Corner lots shall be excluded from the side setback restriction.
- E. The coop/duck house shall be covered and ventilated, and a fenced enclosure/run is required. The coop/duck house and enclosure must be completely secured from predators, including all openings, ventilation holes, doors and gates. The coop/duck house must be easily accessible for cleaning and maintenance.
- F. The coop/duck house shall be constructed using durable materials designed for permanent outdoor use.
- G. The coop/duck house and enclosure shall be kept clean consistent with the New York State Property Maintenance Code.
- H. Chickens and ducks shall be kept for personal use only. The selling of chickens, ducks, eggs, meat, chicken or duck manure, or the breeding of chickens or ducks for commercial purposes is prohibited.
- I. Any composting of manure shall comply with the Best Practice Management guidelines that shall be on file in the Building Department. Copies of same shall be provided by the building department to permit applicants. Composting of manure shall be subject to a 15 foot setback from all property lines, and run off shall not encroach on neighboring properties. Manure, composted on the premises, cannot be used off site.

- J. All chicken and duck feed must be kept indoors in metal containers with metal covers, with securely fastened covers, at all times to minimize the infestation of rodents or problems with predators.
- K. All persons who keep, possess or maintain chickens or ducks must comply with the Town Noise Ordinances and shall not permit the chickens or ducks to make noises of such a nature as to be heard beyond the property on which such chickens are harbored between 10 PM and 6 AM.
- L. Property Owners must obtain a permit to keep chickens or ducks pursuant to this section. The Town Board shall set the fee for said permit from time to time, by resolution.
- M. In the event that a property owner discontinues the keeping of chickens or ducks for a period exceeding one (1) year, the use of the property for the keeping of chickens or ducks shall be deemed discontinued and a property owner will be required to follow all of the provisions of this chapter to restart such use.

4. Chicken and duck welfare and cruelty prevention

- A. Whoever impounds, confines or owns any chicken or duck and fails to supply the animal with a sufficient quantity of appropriate and wholesome food and fresh water shall be in violation of this code.
- B. Whoever keeps any chicken or duck in any enclosure without adequate room for exercise, perching and ventilation shall be in violation of this code.
- C. Whoever keeps any chicken or duck in dirty, damp or disease-prone conditions shall be in violation of this code. The coop or duck house must have litter such as straw or shavings on the floor at all times, generally at least six inches in depth, and this litter must be regularly changed to prevent unsanitary and unhealthy conditions.

Section 2. This Local Law shall become effective immediately upon filing with the Secretary of State of the State of New York.