

PURSUANT TO CALL A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, WAS DULY HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 6<sup>TH</sup> DAY OF NOVEMBER 2013 AT 7:00 P.M.

RESOLUTION #20-180/2013

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, upon proper notice a Public Hearing was held on the 2<sup>nd</sup> day of October, 2013, where all persons wishing to speak regarding Proposed Local Law No. 1 of 2013 were heard by the Town Board, and

WHEREAS, after consideration of all information presented and available it is the determination of the Town Board that the Town Code should be amended to allow raising or harboring of chickens in the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby enacts Proposed Local Law No. 1 of 2013, A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta in Relation to Raising or Harboring of Chickens in the Town of Henrietta.

BE IT FURTHER RESOLVED, that as it is the second Local Law to be acted on in 2013, that said Local Law be designated Local Law No. 2 of 2013.

BE IT FURTHER RESOLVED, that the Town Clerk shall file with the Secretary of State, as soon as possible, and in any event no later than twenty (20) days from this date, one (1) Certified copy of said Local Law No. 2 of 2013, and that said Law shall take effect immediately upon filing with the Secretary of State.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	No
Supervisor Yudelson	voting	No

Carried

## Local Law Filing

www.dos.state.ny.us/corps

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

### **Town of Henrietta**

#### **Local Law No. 2 of the year 2013**

#### **A local law to amend Chapter 295 of the Code of the Town of Henrietta in relation to raising or harboring of chickens**

#### **Be it enacted by the Town Board of the**

#### **Town of Henrietta as follows:**

SECTION 1. The following provisions are added to Chapter 295, Zoning, Article XI, Miscellaneous Regulations, of the Code of the Town of Henrietta:

#### **§ Chicken coops.**

A. License required. Any person desiring to house chicken hens on property occupied by him or her shall obtain a license from the Town.

B. License application. The application for such license shall include the following information:

- (1) The name, phone number and property address of the applicant.
- (2) The location of the subject property.
- (3) The size of the subject property.
- (4) The number of chicken hens the applicant seeks to keep on the property.
- (5) A description of any coops or cages that will house the chicken hens, together with a description of any fencing, barriers or enclosures surrounding the curtilage of the property.
- (6) A scaled drawing showing the precise location of cages, coops, enclosures, fences and barriers in relation to property lines and to structures on adjacent properties.
- (7) 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.
- (8) 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 chicken hens as described in the license application.

C. Chicken coop setbacks and requirements.

- (1) Setbacks.
  - (a) The coops or cages housing such chicken hens must be situated at least 20 feet from any door or window of a dwelling, school, church or other occupied structure other than the applicant's dwelling.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- (b) The coops or cages housing such chicken hens may not be located in front or side street yard areas and shall not be located within five feet of a side yard lot line nor within 18 inches of a rear yard lot line, except where the rear lot line forms the side lot or front lot line of an abutting property, in which case the setback from such rear lot line shall be five feet. No chicken hens shall be kept in front yard or side street yard areas.
- (2) Enclosures/Coops and cages. Chicken hens shall be kept within both a coop and a fenced outdoor enclosure.
- (a) The total area of all coops and cages on a lot shall not be greater than 108 square feet of floor/ground space for up to six chicken hens. The chicken coop shall be a covered, predator-resistant, well-ventilated structure providing a minimum floor/ground space of two square feet per chicken hen. Coops and cages, singly or in combination, shall not exceed seven feet in height. A fenced run outside the coop shall have a minimum area of 10 square feet of floor/ground space for each chicken hen.
  - (b) The coop must be kept in a clean, dry and sanitary condition at all times.
  - (c) The outdoor enclosure shall be adequately fenced to contain the chicken hens and to protect the chicken hens from predators. It shall be cleaned on a regular basis to prevent the accumulation of animal waste.
  - (d) The chicken feed or other food used to feed the chicken hens 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.
  - (e) The chicken hens shall be fed only from an approved trough. Scattering of food on the ground is prohibited.
- (3) Sanitation and nuisances.
- (a) Chicken hens 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.
  - (b) Chicken hens shall not be kept in a manner that is injurious or unhealthful to any animals being kept on the property.
- (4) Slaughtering. There shall be no outdoor slaughtering of chicken hens.

D. Restrictions; license fee. It shall be lawful for any person to keep, permit or allow any domesticated chicken hens in conjunction with a residential use in any district under the following terms and conditions and after having received a license to keep said chicken hens from the Fire Marshal/Building Inspector as prescribed herein under the following terms and conditions:

- (1) No more than six chicken hens shall be allowed for each single-family dwelling.
- (2) No chicken hens shall be allowed in multifamily complexes, including duplexes.
- (3) No roosters shall be allowed.
- (4) Chicken hens are to be restricted to the rear or back yard of any lot in a residential zoning district or the rear or back yard of a residential use in all other zoning districts.
- (5) Chicken hens shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage in chicken breeding or fertilizer production for commercial purposes.
- (6) Persons wishing to keep chicken hens within the Town of Henrietta must obtain a license from the Fire Marshal/Building Inspector after payment of an annual fee and an inspection fee in an amount set from time to time by the Town Board, and after inspection and approval of the coop and cage in which the chicken hens are to be kept by the Fire Marshal/Building Inspector.

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E. Review, expiration and renewal of license.

- (1) Initial review.
  - (a) The Town Board and the Supervisor shall also immediately be notified of the chicken license application.
  - (b) The Town Board shall determine, in its discretion, and taking into account the entire record before it, whether or not a chicken license shall be issued to the applicant. The Town Board shall be empowered to impose further conditions on the license that it deems to be necessary to preserve the public health, safety and/or welfare.
  - (c) Upon the approval of a majority of the Town Board, the Fire Marshal/Building Inspector shall issue a license in accordance with the Town Code.
  - (d) The Fire Marshal/Building Inspector shall cause an inspection of the proposed chicken coop to be conducted to verify conformance with the provisions of the existing Code hereof within 45 days of the applicant being issued a license.
  - (e) After completion of the inspection by the Fire Marshal/Building Inspector and confirmation that the coop conforms to the specifications provided in the application approved by the Fire Marshal/Building Inspector, the licensee shall be allowed to keep on the premises the number of chicken hens specified in the license.
  - (f) A license issued to an applicant shall include the licensee's proper name, the property address for which the license is valid, the number of chicken hens allowed at the property address, a unique license number, the date the license was issued, an expiration date exactly one year from the date of issuance and any conditions imposed by the Town Board.
  - (g) Only one chicken license shall be issued per applicant and per property. No licensee shall be eligible to obtain a chicken license for multiple properties, nor shall more than one license be issued to one property address.
- (2) Renewal.
  - (a) On the first day of May of every year, the Fire Marshal/Building Inspector shall file with and notify the Town Board of all chicken hen licenses issued in the prior year, including the names of the licensees, their property addresses, the number of chicken hens licensed at said property and the issuance and expiration dates of said licenses.
  - (b) On or before June 1 of every year, the Town Board or any other interested party shall file complaints received regarding licensed chicken hens.
  - (c) Any complaints received regarding any particular chicken license issued shall be considered at a meeting of the Town Board, at which the licensee and any other interested party shall have the right to be heard considering said license.
  - (d) The Town Board may, in its discretion, not renew any chicken license for good cause after the licensee and any other interested party has been given an opportunity to be heard.
  - (e) On June 1 of every year, the Town Board shall proceed to consider renewal of all chicken licenses issued, as prescribed in the Town Code, and may revoke any license issued pursuant thereto.
  - (f) If, at any time, the Town Board is made aware of any complaints regarding a properly licensed chicken coop, it may proceed to hear the complaints of any interested party and the defense of the licensee at a meeting of the Town Board and may revoke the license issued for good cause.
  - (g) If a license is renewed pursuant to the provisions hereof, the applicant may continue to keep chicken hens pursuant to the terms and conditions set forth herein and imposed in

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the initial license, provided that he or she pays the annual fee of \$25 on or before the expiration date of the license.

- (h) Except in the case of a chicken coop that is not permanently affixed to the ground and is therefore mobile, any license shall first obtain a building permit in accordance with the Town Code prior to constructing or erecting a chicken coop not inconsistent herewith.

F. Other fowl prohibited.

- (1) No person shall have, or keep, or offer to sell any fowl within the Town of Henrietta. "Fowl" includes any geese, ducks, pigeons, or doves.
- (2) Any permits previously issued shall be grandfathered until such time as the fowl are deceased, and at that time said permits shall expire and no new permits shall be granted.

SECTION 2. REPEALER.

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

SECTION 3. SEVERABILITY.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. WHEN EFFECTIVE.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.