

Local Law No. P-5A of the year 2022.

Introduced by Mayor Rosenquest on November 3, 2022 at a Regular meeting of the Common Council.

Public Hearing to be held on **Thursday, November 17, 2022 at 5:00pm** in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law amending Chapter 360, Article II, Section 360-5 entitled “Terms Defined” by amending the definition of “Livestock” to exclude laying hens and adding Chapter 360, Article VIII, Sections 360-46 to regulate the keeping of hens per the City Code of the City of Plattsburgh.

The purpose of this Local Law is to permit and regulate the keeping of laying hens within the City of Plattsburgh and to ensure that the keeping of laying hens does not pose a health and safety threat to the residents of the City and to ensure the humane treatment of laying hens.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. Chapter 360, Article II, Section 360-5 definition of “Livestock” is hereby amended and replaced in its entirety and will read as follows: “Livestock- Farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, roosters, guinea hens, ducks, turkeys, goats, geese, mink and rabbits. Female chickens raised in accordance with this Chapter, are not included within the definition of Livestock.”
2. Chapter 360, Article VIII entitled “Reserved” is hereby amended, re-named, and replaced in its entirety and will read as follows:

Chapter 360 “Zoning”...Article VIII “Backyard Hens”

Section 360-46. Requirements For Keeping Hens.

Regulations for the keeping of female chickens on residential properties are hereby established as follows:

- A. No more than six (6) hens shall be allowed on each Lot. Hens may only be kept by a domiciliary of a dwelling unit located on the lot on which the hens are kept.
- B. Male chickens (roosters), Guinea Hens or Peacocks are expressly prohibited, regardless of age or maturity.
- C. Hens must be kept in and confined in a properly designed and constructed coop that is at least four (4) square feet per chicken in size but is not in excess of one hundred forty-four (144) square feet. The coop shall require a building permit but shall not be

defined as an “accessory structure” per this Chapter. In addition, an outdoor fence run/range area, which is connected to the coop is required and must be constructed in a manner that contains the hens from all sides and provides at least 10 square feet per hen. The coop and run must be adequately constructed and fenced to contain the hens and to prevent access to the hens by dogs and other predators.

- D. Hens shall be provided with adequate food and water and kept in a humane condition. Chicken feed must be stored in rodent-resistant and weather-proof containers.
- E. Hens shall be confined at all times to the property on which they are kept. It shall be unlawful for any person to allow hens to run at large upon the streets, alleys or other public places of the City, or upon the property of any other person.
- F. Coops and runs shall be located in the rear yard of the parcel and be located no less than five (5) feet from any property line. The square footage of the rear yard must be a minimum of five hundred (500) square feet. In the case of a rear yard where such required setback from property lines cannot be met, or the minimum square footage in the rear yard cannot be met, a coop or run may be located in a side yard at the discretion of the Building Department. No coop or run may be located in the front yard between the house and the public street under any circumstances. No chickens, coops, pens, cages, fences or other shelters are permitted on a lot within one hundred (100) feet of any lake, pond, river or stream, unless such body of water is wholly contained on the same lot.
- G. A coop, and the premises where the chicken coop is located, shall be maintained in a condition such that the facility or chickens do not produce noise or odor that creates a nuisance for adjoining lots and the responsible domiciliary and the owner shall remove any odorous or unsanitary condition. The lot owner shall be responsible for the repair on any adjoining lot of any damage caused by the chickens, including but not limited to damage to dwellings, structures and yards, and shall be responsible for repair of any unsafe condition.
- H. The use and consumption of such hens and their eggs is limited to the occupants of the premises and shall not be sold. Selling chickens, eggs, or breeding chickens for commercial use is prohibited.
- I. The killing or slaughter of hens is limited to killings or slaughters undertaken for private use by the occupants of the premises and is prohibited outside of enclosed buildings. Waste materials from the slaughter of such animals shall be disposed of immediately in a clean and sanitary matter.
- J. The keeping of hens is prohibited unless a permit is obtained from the City Building Inspector. An annual fee for such permit shall be established by the Common Council pursuant to resolution. The Building Inspector shall maintain a current listing of all permits issued hereunder. Applications for a Backyard Hen permit will be available in the

City Building Inspector's Office. Applications shall be made on forms as approved by the Common Council by the Building Inspector. Necessary information shall include, but not be limited to proof of compliance with this Article. The City Building Inspector may impose any other restriction on the location, size or design of the coop or run that, in their sole judgment, protects the accessibility, health, safety and welfare of the public. The City Building Inspector may revoke a Backyard Hen permit for a specific site via written notice to the property owner when the Building Inspector or designee finds, at his or her sole discretion, that any requirements of this Article are not met, a rebuttable presumption of which shall be created by (a) a record of three or more complaints to the City Police Department or City Building Inspector's Office about a specific site's chickens, (b) on the recommendation of Cornell Cooperative Extension, or (c) on the recommendation of the City Police Department. Upon revocation, the City Building Inspector shall notify the Permit holder in writing of the same, and if the revocation stands, the owner must remove the hens from the property per the requirements of the City Building Inspector. Any appeal of the City Building Inspector's revocation or denial of a permit issued under this Article may be brought to the City of Plattsburgh Zoning Board of Appeals pursuant to the City Code.

3. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.