# City of North Tonawanda

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April 25, 2012

Hon. Mayor and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120

RE: Proposed Amendment to City Code, Entitled Chapter 57 – Livestock

Dear Honorable Body:

Attached is a proposed amendment to Chapter 57 of the City Code of the City of North Tonawanda to allow for the keeping of chicken hens within the city limits.

Should your Honorable Body concur, please pass a resolution to amend the City Code of the City of North Tonawanda – Chapter 57 – "Livestock" - to allow for the keeping of chicken hens within the city limits and./or backyards of residents of the City of North Tonawanda, subject to any further review by the City Attorney.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Shawn P. Nickerson
City Attorney

SPN/lk
Att.

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NORTH TONAWANDA, N.Y.

AN ORDINANCE
AMENDING THE CODE OF THE CITY OF NORTH TONAWANDA, CHAPTER 57, "LIVESTOCK" TO ALLOW FOR THE KEEPING OF CHICKEN HENS WITHIN THE LIMITS OF THE CITY OF NORTH TONAWANDA

The Common Council of the City of North Tonawanda hereby amends the following ordinance entitled, "Livestock":

**57-3. Maintenance of live rabbits and poultry.**

From and after the enactment of this ordinance, it shall be unlawful for any person, firm or corporation to harbor or maintain any live rabbits or poultry in any yard, area, cellar, coop, building premises, public market or other public place in the City of North Tonawanda, New York, who does not possess an unrevoked permit from the City Clerk-Treasurer, as prescribed herein under the following terms and conditions.

**A). Exceptions for Chicken Hens.**

1). No more than five (5) chicken hens shall be allowed for each single-family dwelling or multi-family dwelling.

2). No chicken hens shall be allowed in multi-family complexes, including duplexes, without the expressed written consent of the owner of the building and all tenants residing therein other than the applicant.

3). No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.

4). No roosters shall be allowed.

5). Chicken hens are to be restricted to the rear or backyard of any lot in a residential zoning district or the rear or backyard of a residential use in all other zoning districts.

6). Chicken hens shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage breeding or fertilizer production for commercial purposes.

7). Persons wishing to keep chicken hens within the City of North Tonawanda must obtain a permit from the Office of the City Clerk-Treasurer after payment of an annual fee of $25.00, and after inspection and approval of the coop and cage that chicken hens are to be kept in by the Building Inspector.

**B). Chicken License Application Contents**:

The application for such permit 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 permit application'

9). A signed statement from any and all tenants of the building that they consent to the applicant's keeping of chicken hens on the premises;

10). A signed statement from any resident residing on a property adjacent to the applicant's property consenting to the applicant's keeping of chicken hens on the premises;

11). The addresses of all properties within a fifty-foot radius of the subject property.

**C). Chicken Coop Setbacks and Limitations.**

1). Setbacks:

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

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 (5) feet of a side yard lot line nor within eighteen (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 (5) feet. No chicken hens shall be kept in front year or side street year areas.

2). Enclosures/Coops and Cages:

A). Chicken hens shall be kept within both a coop and a fenced outdoor enclosure at all times and shall not be allowed to run free in the fenced outdoor enclosure unless a responsible individual, over 18 years of age, is directly monitoring said activity and is able to

immediately respond should said chickens need to be returned to their individual cages.

B). The chicken coop shall be a covered, predator resistant, well-ventilated structure providing a minimum of two (2) square feet per chicken hen.

C). The outdoor enclosure shall be adequately fenced to contain the chicken hens and to protect the chicken hens from predators.

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

E). The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.

F). The total area of all coops or cages on a lot shall not be greater than thirty- two (32) square feet for up to five chicken hens. Coops and cages, singly or in combination, shall not exceed seven (7) feet in height.

G). Chicken feed or other food used to feed the chicken hens shall be stored in a rat-proof, fastened container stored within a structure, which shall only be unfastened for the retrieval of food and immediately re-fastened thereafter.

H). 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 to comply with applicable provisions of both the New York State and Niagara 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 slaughtering of chicken hens.

**D). Review, Expiration and Renewal of Chicken Permits.**

1). Initial Review.

A). Upon receipt of a chicken permit application and the requisite permit fee, the City Clerk-Treasurer shall immediately notify the Mayor, Common Council, and Building Inspector of said application, including the number of chicken hens sought to be permitted and the location of the proposed chicken coop or cages.

B). The City Clerk-Treasurer shall immediately notify those property owners who own the properties within fifty (50) feet of the applicant's property and provide them with an

opportunity to provide written comments as to their support or opposition to the proposed chicken coop.

C). If the City Clerk-Treasurer receives no written comments evidencing opposition to or concern regarding the proposed chicken coop within twenty (20) days of receipt of the application, he or she shall issue a permit for up to five chicken hens to the applicant that shall be nontransferable and valid for one (1) year from the date of a satisfactory inspection by the Building Inspector, which shall be subject to the renewal provisions set forth below.

D). If the City Clerk-Treasurer receives written comments evidencing opposition to the proposed chicken coop and cage within twenty (20) days of receipt of the application, he or shall file with the Mayor the complete chicken permit application and all comments received regarding the application for its consideration thereof.

E). The Mayor shall determine, in his discretion, and taking into account the entire record before him, whether or not a chicken permit shall be issued to the applicant. The Mayor shall be empowered to impose further conditions on the permit that are deemed to be necessary to preserve the public health, safety and/or welfare.

F). Upon approval, the Mayor shall take action on the permit application in accordance with the City Charter.

G). The Building Inspector shall cause an inspection of the proposed chicken coop to the conducted to verify conformance with those provisions hereof within forty-five (45) days of the applicant being issued a permit.

H). After completion of the inspection by the Building Inspector, and confirmation that the coop conforms to the specifications provided in the application approved by the City Clerk-Treasurer, the permit holder shall be allowed to keep the number of chicken hens specified in the permit on the premises.

I). A permit issued to an applicant shall include the permit holder's proper name, the property address for which the permit is valid, the number of chicken hens allowed at the property address, a unique permit number, the date the permit was issued, an expiration date exactly one (1) year from the date of issuance and any conditions imposed by the City Clerk-Treasurer.

2). Renewal.

A). On the first day of May of every year, the City Clerk-Treasurer shall file with and notify the Mayor, Common Council, and Building Inspector of all chicken hen permits issued in the prior year, including the names, property addresses, number of chicken hens permitted at said property and the issuance and expiration dates of said permits.

B). On or before June 1 of every year, the Mayor, Common Council or any other interested party shall file complaints received regarding licensed chicken hens.

C). Any complaints received regarding any particular chicken permit issued shall

be considered at a meeting of the Common Council, at which the permit holder and any other interested party shall have the right to be heard concerning said Permit.

D). The Mayor, in his discretion, may not renew any chicken permit for any reason after the permit holder and any other interested party has been given an opportunity to be heard.

E). On June 1 of every year, the Mayor shall proceed to consider renewal of all chicken permits issued, as prescribed within this ordinance, and may revoke any permit issued pursuant thereto.

F). If, at any time, the Mayor, Common Council or Building Inspector is made aware of any complaints regarding a properly permitted chicken coop, they may proceed to hear the complaints of any interested party and the defense of the permit holder at a public hearing and may revoke the permit issued for any reason pursuant to this ordinance.

G). If a permit 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 the initial license, provided that he or she pays the annual fee of $25.00 on or before the expiration date of the permit.

H). Except in the case of a chicken coop that is not permanently affixed to the ground and is therefore mobile, any permit holder shall first obtain a building permit in accordance with Chapter 25 of the City Code prior to constructing or erecting a chicken coop not consistent herewith.