

Local Law Filing

(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.

County City Town Village
(Select one.)

of Plattsburgh

Local Law No. 6 of the year 2022

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

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one.)

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.

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

- 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.

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 20²² of the (County)(City)(Town)(Village) of Plattsburgh Common Council was duly passed by the _____ (Name of Legislative Body) on December 15 20²², and was (approved)(not approved) (repassed after disapproval) by the Mayor (Elective Chief Executive Officer*) and was deemed duly adopted on December 15 20²², in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/16/2022

(Seal)