

## **Purpose.**

The purpose of this article is to regulate the conditions for the keeping of farm animals or fowl so as to protect the residents of the Town of Coeymans from nuisance and to maintain compatibility with suburban life.

## **Keeping of farm animals or fowl prohibited.**

It shall be unlawful for any person except as provided herein, to keep or maintain any farm animal or fowl within the residential zoning districts located within the Hamlet of Coeymans, which includes all properties located within the Town of Coeymans west of the Hudson River, and north of the Albany County/Greene County boundary line, and south of Industrial Park Drive, and east of the Village of Ravena boundary line. For purposes of this article, farm animal or fowl shall include cows, cattle, horses, ponies, donkeys, mules, pigs, goats, sheep, chickens, roosters, ducks, geese, or other animals or fowl usually known as "farm animals" but not solely limited to the aforementioned and not including common household pets.

## **Keeping of hens.**

The owner or primary occupant of any dwelling may be permitted to keep on the lot containing the dwelling a maximum of six ~~four~~ hens, provided that:

### **A.**

The property has 200 square feet of total lot area exclusive of buildings for the keeping of two hens, with an additional 100 square feet for every additional hen up to the maximum of six ~~four~~ hens permitted;

### **B.**

No person shall keep any rooster (male chicken);

### **C.**

The hens shall be provided with a clean, covered, well-ventilated enclosure that is secure from predators and is cleaned regularly to prevent the accumulation of animal waste, feathers, and uneaten food;

### **D.**

The hens must be kept in the covered enclosure or within a fenced area at all times;

### **E.**

No enclosure for the hens shall be located closer than 25 feet to an occupied residential dwelling on an adjoining lot; provided, however, such setback can

be reduced upon submission of written permission from the owner of any adjoining dwelling(s) that is closer than 25 feet to the planned location of the hen enclosure;

**F.**

The total area of all coops or enclosures on a lot shall not be greater than 150 square feet for up to ~~six~~ four hens. Coops or enclosures shall not exceed seven feet in height, and coops shall be subject to any and all permits deemed necessary by the Building Department;

**G.**

All coops or enclosures shall provide a minimum of four square feet per hen, and a run shall have a minimum of eight square feet;

**H.**

No part of the enclosure or coop for hens shall be located in front of the front wall plane of a building or side wall plane of a building facing a street.

**I.**

Hens shall be fed only from a trough or appropriate container. Scattering of food on the ground is prohibited. Any feed not in use shall be kept in a sealed ratproof container;

**J.**

The person has obtained a coop permit from the Town Building Department and maintains a facility for keeping hens in compliance with the issuance criteria;

**K.**

There shall be no outdoor slaughtering of hens;

**L.**

All hens are subject to the unnecessary and unusual noises provisions set forth in the Code of the Town of Coeymans; and

**M.**

Any person who keeps hens under this section shall comply with all Town and New York State laws, ordinances, and regulations regarding care, shelter, sanitation, health, noise, cruelty, neglect, reasonable control, and any other requirements pertaining to the adequate care and control of animals in the Town.

N.

Anyone with pre-existing livestock and/or Coops shall have up to 180 days to become compliant with the terms and conditions of this local law.

### **Hen coop permit issuance.**

A.

The Town Building Department is hereby authorized and directed to establish an application and permit for the construction of a coop for the keeping of hens consistent with the provisions of this article;

B.

The application for such permit shall be at no charge, but must be accompanied by the following information and documentation;

(1)

The name, phone number and property address of the applicant and the property owner, if different;

(2)

The location of the subject property;

(3)

The number of hens the applicant seeks to keep on the property;

(4)

A description of any coops or cages that will house the hens, together with a description of any fencing, barriers or enclosures surrounding the boundaries of the property;

(5)

A scaled drawing of the property showing the precise location of cages, coops, enclosures, fences and barriers in relation to property lines and to structures on adjacent properties;

(6)

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 hens as described in the license application;

**(7)**

Any additional information the Town Building Department may require to determine whether the application and proposed keeping of hens will comply with the requirements of this article.

**C.**

No more than one license may be issued for each parcel of property;

**D.**

The Town Building Department shall issue a permit upon determining that the application is complete and that the information provided reasonably demonstrates that the proposed structure and keeping of hens will be consistent with the provisions of this article. The Town Building Department may impose such conditions as he or she may deem necessary to ensure compliance with this article;

**E.**

Permits shall be effective only for the calendar year in which they are issued. A permit shall renew upon satisfactory annual inspection of the structure by the Building Inspector.

**F.**

The Town Building Inspector may, in his discretion, approve pre-existing Coops as long as they substantially comply with the provisions of this local law.

**Unsanitary facilities; penalties for offenses; revocation of permit.**

**A.**

All facilities for keeping hens shall be open at all times for inspection by an Animal Control Officer, the Building Department, any Police Department with jurisdiction, or an agent thereof. If an inspection reveals that any provision in this article is violated, the Building Inspector shall give written notice to the keeper of the hens, specifying the violation and requiring that the violation be corrected within 48 hours, or within such reasonable time period as determined by the Building Department or an agent thereof and as set forth in written correspondence. If the violation is not corrected within the period specified, the Building Department or an agent thereof shall issue a fine or may revoke the specified permit in accordance with this article.

**B.**

If, after 48 hours or such reasonable time period as determined by the Building Department or an agent thereof, the violation persists, the Building Department or an agent thereof shall issue a letter stating the violation and shall issue a fine of \$150 for a first offense, and provide an additional fifteen-day period from the date of the letter to correct such violation. If a person or entity is found to be in violation of this article beyond the initial fifteen-day period or found to be in violation for a second time, the Building Department or an agent thereof shall issue a letter stating the violation and impose a fine of \$300, and provide a fifteen-day period from the date of the letter within which to correct the violation. A person or entity being found in violation of this article for a third offense shall have their permit revoked and hens seized.

**C.**

The Town Building Department may revoke any permit upon determining that the facility for keeping hens no longer meets the conditions required for the issuance of a permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the foregoing provisions.

**D.**

Any fines levied under this article shall be in addition to any other provisions for enforcement contained in this Code.

**Seizure of hens.**

Anytime at which a person or entity has their permit revoked under this article, an animal control officer shall immediately demand that possession of all hens be forthwith relinquished to said animal control officer, who shall impound said hens with notice to the owner. The owner of such hens may request the Town Court to conduct a hearing within 15 days to determine if the revocation of the permit was valid. Upon such request, the Town Court shall provide for the hearing within five days. At such hearing all interested persons shall have the opportunity to present evidence on the issue. If no such hearing is requested within 15 days from the notification of the hen's impoundment, the hens shall become the property of the Town.