

LOCAL LAW INTRO. NO. [] OF 2020

A LOCAL LAW AMENDING THE CITY CODE TO REGULATE THE KEEPING AND RAISING OF CHICKENS IN THE CITY OF HUDSON

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF HUDSON AS FOLLOWS:

SECTION 1. TITLE. This Local Law shall be known as Local Law No. ___ for the year 2020, the Chicken Law.

SECTION 2. LEGISLATIVE FINDINGS.

The Common Council of the City of Hudson finds that:

The keeping of chickens in urban and semi-urban areas of cities throughout the United States has gained acceptance both as pets and personal agricultural undertakings akin to the planting and tending of vegetable gardens and fruit trees. Moreover, citizens of the City have petitioned this Council to permit them to keep and raise chickens in the City.

The City of Hudson has been declared a "food desert" by the United States Department of Agriculture, indicating that there are no or limited outlets for good, fresh food to be purchased within the boundaries of the City.

Permitting citizens to keep and raise chickens for their own uses on their land has a number of benefits to both those raising such chickens and the community at large, among these being that the chickens aid families in meeting their needs for quality, cost-effective, cruelty-free nutrition and thus assist our society in achieving nutritional parity across socio-economic strata (often termed "food justice"), and that keeping and raising chickens helps reconnect urban populations with the agricultural basis of our food. Keeping chickens is a step towards sustainability by cutting down on food miles - the distance over which a food item is transported from producer to consumer. Additionally, chickens are enthusiastic consumers of ticks, themselves a well-known and notorious scourge to the public health of the City, and the keeping of chickens, therefore, is an important element in humanity's never-ending battle against the insects.

It is in the public's best interest that the keeping and raising of chickens in the City be subject to reasonable and enforceable regulations designed to protect public and private property, promote the public health and sanitation, protect the health and safety of any chickens kept or raised in the city, and to ensure that such chickens do not become, attract or contribute to a nuisance.

SECTION 3. LEGISLATIVE INTENT.

It is the intent of the Common Council to amend the Hudson City Code to allow residents to keep and raise a small number of female chickens on a non-commercial basis while creating standards and requirements to protect public and private property, promote the public health and

sanitation, protect the health and safety of any chicken kept or raised in the City, and to ensure that such chickens do not become, attract or contribute to a nuisance.

SECTION 4. STATEMENT OF AUTHORITY.

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York); the General City Law, (chapter 21 of the Consolidated Laws of the State of New York, Article 2A, §20); the General Municipal Laws (chapter 24 of the Consolidated Laws of the State of New York, Article 5, §72j).

SECTION 5. AMENDMENTS TO HUDSON CITY CODE, CHAPTER 70. Hudson City Code, chapter 70, article III, is hereby DELETED and REPLACED as follows:

Article III. Fowl or Birds

§ 70-16. Keeping of fowl prohibited. Except as provided in this Article, no owner, tenant or occupant of land within the City of Hudson shall permit such land or any part thereof, or the buildings or structures thereon, to be used in whole or part for the raising, keeping, harboring or maintaining of any chickens, turkeys, geese, ducks, pea-fowls, guinea hens or any other bird or fowl. Household birds, such as parakeets, canaries, parrots, cockatoos, macaws or similar size birds, shall not be affected by this Article.

§ 70-17. Exceptions for chickens. Chickens may be kept in any zoning district within the City of Hudson subject to a conditional use permit issued by the City of Hudson Planning Board pursuant to Sec. 325-34 of the City Code and subject to the following terms and conditions:

- A. Any owner, tenant or occupant of a single-family residential lot must receive a conditional use permit pursuant to this Article before constructing any enclosures, coops, or related structures.
- B. Only fee owners of a property or a tenant with written permission of the landlord are permitted to keep chickens under this Article.
- C. No more than five female chickens shall be allowed per lot. Roosters shall not be permitted.
- D. Chickens shall be kept as pets and for personal use only; no person shall sell meat or engage in chicken breeding or fertilizer production for commercial purposes.
- E. Chickens must be provided with adequate food, water and space, and all premises occupied or used by chickens shall be kept in a clean, sanitary condition. "Adequate" as used in this Article shall mean reasonably sufficient given the ages, sizes, and number of chickens on the premises.
- F. Chickens shall be kept only in conditions that limit odors, waste and noise and the attraction of rats, mice, insects and other pests so as not to cause a nuisance to nearby properties or cause damage to public or private property.
- G. Chickens shall not be permitted to run at large or be off the permit holder's property unless crated.
- H. Chickens shall not be used or trained for the purpose of fighting for amusement, sport, or financial gain.

- I. Chickens must be kept in a fenced enclosure at all times. The enclosure must be either covered or of a height sufficient to prevent the chickens from flying out. Chickens must also have access within such fenced enclosure to a covered, ventilated, and predator-resistant coop. All such enclosures and coops shall be properly cleaned and maintained and shall be constructed of materials and in a manner designed to prevent predators, rodents and other vermin from entering into or remaining therein.
- J. Fenced enclosures and chicken coops must be setback at least five feet from property lines and at least 15 feet from the nearest dwelling or other occupied structure, other than the permit holder's dwelling. Enclosures and coops shall not be located any closer to a public street than the primary residence.
- K. All stored food must be kept either indoors or in a covered steel container designed to prevent access by animals.
- L. Provisions must be made for the storage and removal of chicken manure and other waste. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the coop and surrounding area must be kept free from trash and accumulated droppings. §

70-18 Permit application

- A. The permit applicant must occupy the residence on the property where the chickens are kept as their personal, primary residence. Only one conditional use permit for chickens shall be issued per property.
- B. The application for a permit to keep chickens 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 number of chickens the applicant seeks to keep on the property;
 - 4) a written description of any cages, coops, and enclosures that will house the chickens;
 - 5) a signed statement from the property owner, if the applicant is not the property owner, granting permission to engage in the keeping of chickens as described in the permit application;
 - 6) a signed statement from the applicant acknowledging the restrictions and requirements of this Article;
 - 7) and any additional information deemed relevant by the Planning Board.
- C. Permit fee and approval. The fee for a conditional use permit application under this Article shall be \$25. Permits must be renewed annually for a \$25 fee.
- D. Permit revocation.
 - 1. The Code Enforcement Officer may fine a permittee pursuant to Sec. 325-33 of the City Code for a violation of this Article and the conditional use permit and if the applicant fails to remedy the violation within a reasonable period of time may revoke the conditional use permit.

2. The procedures for the enforcement of the permits issued under this Article and penalties for violations shall be governed by Article VII of Chapter 325 of the City code and any person aggrieved by decision or order by the Code Enforcement Officer may be appealed to the Zoning Board of Appeals pursuant to Article IX of Chapter 325 of the City Code within 30 days of filing of a written determination by the Code Enforcement Officer.

- E. Private restrictions not affected by permit approval. Any permit issued by the City under this Article shall not alter, affect or confer any rights contrary to any deed restriction, covenant homeowners agreement, or other private restriction. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

SECTION 6. SEVERABILITY

In the event that any section, subsection or portion of this Article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of the Article.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Introduced by _____

Seconded by _____

Approved _____

By _____
Mayor