

Mayor William H. Hallenbeck, Jr. held a public hearing in the Common Council Chambers, City Hall, on Friday, June 28, 2013 at 4:00 PM on the proposed Local Law Introductory No. 6 of 2013.

The following notice of the hearing was duly published in the city's official newspaper on June 20th and 21st, 2013:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Mayor of the City of Hudson, New York, will hold a public hearing on Friday, June 28, 2013 at 4:00 PM in the Common Council Chambers, City Hall, 520 Warren Street, Hudson, on the following proposed Local Law which was adopted by the Common Council on June 18, 2013:

Proposed Local Law Introductory No. 6 of 2013 – A Local Law amending the City Code to Regulate the Keeping and Raising of Chickens in the City.

Complete test of the above proposed law is on file and may be examined at the City Clerk's Office, City Hall during regular office hours. The proposed local law may also be reviewed on the city website www.cityofhudson.org

Tracy Delaney
City Clerk

Publish: June 20th & 21st, 2013

Mayor Hallenbeck: Opened the floor for public comments.

Helen Peets, Homeowner, 5th Ward, Washington Street: Just as the part of way I have lived on the range with chickens, however, chickens can fly and they can't fly very far but they can fly over low fences and if you have chickens in a neighbors back yard they will fly over the fence and their dog can go after them, they could defecate in your garden and it could be very detrimental because chicken feces very often contains salmonella and with root vegetables in particular it's very dangerous. Chicken manure has to be cured for at least 45 days before it can be used for fertilizing. Now in this town we have a dog license law, we have to prove that your dog is vaccinated and you have to pay a fee. There is no such thing for chickens, so the chickens don't have to be vaccinated, we don't know if the birds are ill, we don't know what it could carry and there is no one to supervise this, we don't have a chicken police. Now are we going to have to have additional animal control people to hire additional animal control people to cover this because when you order chickens by mail, even though they're supposed to be hens inevitably there are some males in there, and then you're going to get roosters and they crow at all hours of the morning. Another thing is the back yards are so tiny in this town that in order to put the chicken coop any place where it wouldn't be a bother to your neighbors it would have to be basically on your back porch. So if you put the chicken coop at the back of your yard it would be basically in the back yard of three or four or more neighbors. Thank you.

Mayor Hallenbeck: Thank you ma'am for your comment. And in some instances I may comment and some I may not. In most public hearings the information is documented for me to review at a later date in regards to any further decisions on local laws that we have here. One of the points though in reference to what you said, and I appreciate your input. There was a permit process in having chickens that an individual would have had to have applied for and receive the permit and one of the issues and concerns that I had was how we document who's chickens they were if in fact they were outside of their controlled area at a later date and there were no banding considerations that I saw anyway during my review and my veto of the law. So, I just wanted to clarify that there was a permit process and one of the things I noticed was the fact that there was no way of determining even for enforcement purposes who's chickens that they would be if in fact they were to get out on the street and law enforcement and/or code enforcement would be the ones enforcing that. It would have been difficult to do that. But I appreciate your comment. Any further comments?

Elsa Levisur, 122 Union Street: I grew up with chickens, if they flew we clipped their wings, banding is a good idea yes. I would like to have the option of keeping chickens, I kept chickens in Los Angeles when I was there and the benefits of having fresh eggs is really great. The chicken poop is recommended for an organic garden, it's one of the best fertilizers and I would suggest if there's a problem with keeping or getting rid of the chicken poop that the community garden would be willing to collect the poop and I think they will be very grateful. I don't think there's really an issue about chickens flying away if they have high enough fences. The other thing is I have never had salmonella or encountered salmonella in any home grown chickens, it's in factory farming that you have the salmonella and I would hope that you would pass this chicken law.

Mayor Hallenbeck: Thank you ma'am. And just for clarification too and I don't know did you happen to see my entire veto on-line at the cityofhudson.com and just so you know the position that I took in my review because of the fact that there are individuals, like yourself, who feel positive in the way that having chickens and there are others within the City of Hudson who feel the opposite. In one of my paragraphs in my veto stated "I realize that there are some individuals who want to be able to raise chickens, hens of their own for some of the health and other benefits provided, such as what you mentioned, like eggs being a good source of nutrition, chickens provide a companionship, chickens eating insects and chickens helping to build communities. On the other hand, I have also realized and heard a lot of concerns of residents who are equally concerned with noise, odor, disease, slaughter, chickens running wild and property value declines. In regardless of, and I put in here, regardless of the validity of somebody coming to me and saying this is why it's good or this is why it's bad. I had to take the law that was passed up by the common council to review it in its entirety based on those conditions whether positive or negative, and I certainly have do feel that it met the desired details that an application and/or contract should have met. Just so you're aware of it.

Elsa Levisur: As far as roosters are concerned perhaps it should be at grace that they should be covered at all including slaughter. I don't know how to deal with that. But yes they are a nuisance.

Mayor Hallenbeck: Thank you ma'am. Anyone else? Mr. Mendolia.

Victor Mendolia, 245 State Street: I support the keeping of hens by city residents. I think that the law has addressed most of the issues that have evolved here, that are opposing it the birds must be kept caged, they cannot be free flying, they can't be free roaming and I do agree that there should be some qualification about whether slaughtering or killing, whatever you want to call it, is allowed under this law. But I do think that in your veto message I think it was extremely unfortunate that you used the term elitist law, I think that we should be looking to unify the city not to buy the city and I think that calling it an elitist law was offensive to many people who support this, in addition I think that I do understand that this wouldn't solve the problem for security for the entire city but I think we should be taking steps individually, piece by piece in order to help those things along and I think that keeping up ends would not infringe on the price of other people and I think we should be able to do it.

Mayor Hallenbeck: I appreciate that comment Mr. Mendolia. Certainly, in using the term elitist certainly wouldn't have done that if I didn't think it wasn't. And in the City of Hudson regardless in whether it's the City of Hudson or Brooklyn like you mentioned in regards to your family having chickens down there, one would like to believe and I worked around law for a long time, 21 years of my life, being a police officer and a deputy sheriff, one would think any laws created would be inclusive to every member and every resident of the City of Hudson. Well, one might say, you know what, what are the odds of having 100% of any law that's created beneficial to all that live in the City of Hudson and I'm not even talking 100%. In this particular case, I took it upon myself to not only look at it and be cognizant about the rights and the availability the chickens of seniors in places like Providence Hall. I also took it upon myself to consider those who, section 8 housing residents, lower income housing residents who live in buildings such as Bliss Towers, the low rise, Schuyler Court, Hudson Terrace Apartments, Crosswinds up on Harry Howard Avenue where the ability and the means to have chickens without the permission of the owners of the properties just isn't there. And regardless to my inclusiveness in my review of this law in my position to consider vetoing this was not only just those housing complex as much as it was individuals who lease and rent. I mean in some cases, and we have a rental inspection law that I'm looking forward to being passed up by the council. But we have some city landlords in some cases that can't keep their properties up now, without having chickens in their backyards if in fact they were even to give permission to those individuals who are leasing their properties, which I think in most cases you would see that that wouldn't be the case. So, in fairness to everyone in the City of Hudson and not to divide but to bring closer a community in regards to this specific issue, because I felt with dealing with this chicken law and nothing else. I felt that it was bridging, I still feel that this veto of this law bridges the gap between those who are in position because they make enough money and own houses and can have chickens and can benefit from this law verses those based on a food desert which the term was used by those who created the law, that we live in and are designated a food desert by the Feds. In that there isn't the opportunity for city residents to go to and/or of course in some cases low income and those who don't have transportation to get to the store to purchase eggs and/or afford eggs every day. That this would benefit them more than those that would actually benefit from it because their homeowners and make a good income. So, on the contrary of what you said I was looking out for these people and I think for example, and even religious purposes. I spoke to an alderman who came to my office who said "listen when it comes to this law I support it because of the fact that if I want to go out to get Halal chickens I have to go to

Brooklyn or my family has to go to Brooklyn and they have to be prepared a certain way” and in my diligence of researching this law I even called shopping centers, like Shop Rite and Price Chopper who have not only Halal Chickens but they have Halal meats in a few sections in each store Price Chopper and Shop Rite, so it’s available in even that argument as much as I wanted to support it, I couldn’t support it.

Victor Mendolia: If this is a true public hearing it’s actually just for the public to speak in so it kinda is out of order, but I do want to respond to some of the....

Mayor Hallenbeck: But you’re wrong again on that too.

Victor Mendolia: Alright, well maybe I am.

Mayor Hallenbeck: But thank you. And by the way if there is anybody here that doesn’t want me to explain my position being in the position as the individual that vetoed this law then I’ll take that into consideration as I go to answer one of you individually.

Victor Mendolia: We have all kinds of laws in the city that are restricted by the size of people’s lots. We have a certain, we can only put a certain size building on a certain size lot and there are other restrictions on because of the size of the property. It would seem odd to me to restrict people that have the lot that’s the proper size from doing what they wish to do on their own property. And, that is that, we have that all the time in this city and there are laws that restrict all the time based on the size of lots. When you mentioned landlords that can’t, that aren’t able to keep control of their property or keep up their property ultimately that’s just with the code enforcement officer with the city and that is your responsibility ultimately. So, I would like to just say if that’s a problem that’s something that the city should be dealing with.

Mayor Hallenbeck: And you’re exactly right. That’s exactly why under my administration we’re implementing a rental inspection. I appreciate your comment.

Elsa Levisur: I would like to say that a food dessert to restrict some food coming in seems like a very negative way to deal with it. Because some people can’t do, not to let anybody and if some people have it, they will be sharing the benefits with others and in cases where there is a shortage of food it’s really beneficial to be able to have food available in a town. It just seems to restrict everybody because there is restrictions on some and perhaps they should be used towards section 8 people having the ability to actually, if they have larger, if they stay in larger properties to raise chickens. It would be beneficial to move in that direction.

Mayor Hallenbeck: Thank you ma’am. And just so you’re aware I just want you and everyone here to know it wasn’t a veto based on the fact, exclusively upon the fact that some can have and some couldn’t. The law was vetoed by myself for issues with the legislative intent, the permit application, structure of the law, the protection of residents future, rodents, the exception rule that was in the law itself for chickens, the exception rule that was in the law for chickens, the clarification of slaughtering versus killing chickens and how that would be done for consumption, the identification of chickens by banding, by having identification numbers on chickens to properly be able to enforce any legislation in regards to chickens wondering out of

their coop or off of the property of another. And the enforcement of this law in regards to the financial burden to taxpayers and the City of Hudson. Just last evening for example or two evenings ago, you may have read it in the paper today, it was a resident who was housing chickens and had been summoned for that because the chickens were outside, in fact, when I drove by a few times they were in the road and walking back up to the residents. When the officers arrived there, as indicated in the article today by the City of Hudson Police Department and the Police Commissioner happens to be present today, it stated that there were feces throughout the yard, that the food was mixed in with that and just scattered about and even more importantly, which I found to be amazing, and I don't know how much more of this we would have seen had I not vetoed this bill. But the officer allegedly asked the resident how long they've had them and if they were raising chicken's, and their answer was "yup, we have chickens and we let them loose to run around during the day and in the evening we take them inside and put them in our spare bedroom." So, while that's not a concern and listen it may or may not be a concern with some residents over others and that's why I mentioned the validity if something happened and I think it's important that we talk in facts, but I wasn't there for that conversation but that's what was conveyed to me and not even having a law and only having, as far as we know, one resident right now that has chickens say that and not being mindful of how to raise chickens and what we should do to maintain your chickens properly. I just don't know how we would even keep up with enforcement in a large array of properties that have chickens.

Rick Rector, First Ward: About enforcement. I found that article quite interesting today myself. As the police now's involved in this it is ultimately clear the Hudson Police Department should enforce the chicken law and then subsequently the code enforcement would enforce the right size co-op and anything else that goes along with it but that seems like a large task for the city.

Mayor Hallenbeck: Thank you sir.

Deborah Kinney, Franklin Street: The biggest concern I have isn't the chickens, actually I don't know anything about chickens, but the thought that they would be cooped in order to keep them safe, that gets rid of the whole free range thing so you're boxing in all kinds of whether these (inaudible) with no freedom, but their food and their feces both attract rats we already have a problem with feral cats that are roaming, it just seems that the ecosystem that we grow out of this would become exponential more and more burdensome, it's a city, if we had an acre and you wanted to raise chickens that's one thing but you have a tenth of an acre. I don't know if it's fair to the chicken, I live in a neighborhood with a lot of dogs, every time those dogs would hear or smell those chickens they would go ape and that would be a disturbance, even if the chickens don't make noise, the dogs going crazy over it. I just can't think of a way that this wouldn't be troublesome if you don't want it for hatching, I'm not against chickens per say I just don't think this City is a viable location for it.

Mayor Hallenbeck: Thank you ma'am.

Rick Rector: One more point, I'm not against chickens either. I will say last summer because of the neighbor throwing trash out, obviously raw trash not handled properly does bring

about rodents. We caught 6 skunks, 4 possums back there in a matter of a month because of food left being outside unattended to. So that's my concern.

Mayor Hallenbeck: Thank you sir.

Helen Peets: One other thing, you can buy eggs at the farmers market, you can buy them at Samascott's, you can buy them at the farm on the road, you can buy them very often in the different places in town. I don't see how and I don't really get the food dessert, I mean I know people that come up from New York and are just amazed with all of the wonderful things that they can buy here and visitors from another country that were fascinated with what is available to purchase in this city. So, if it is an economic thing I realize poor people can't buy as much as wealthy people but I don't understand where the chickens come into this because if you're going to be slaughtering your own chickens that's a whole other thing if you're going to have it for food because of sanitary laws and I don't know how you can enforce that. But as far as eggs are concerned you can easily find fresh farm eggs in town.

Mayor Hallenbeck: Thank you ma'am. And support local farmers at the same time.

Alderman Robert Donahue, 5th Ward: The residents of the 5th Ward do not want chickens as neighbors or chickens in the neighborhood. Myself I don't want any, the scent of any chickens in the neighborhood or chickens as neighbors. For that reason, that's why we voted against the chicken law and why we will vote against the chicken law when it comes before us again.

Helen Peets: Is there any possibility of a referendum?

Mayor Hallenbeck: Well, the process right now is that the law is vetoed, whether or not there's a public referendum at another date, this law right now, will providing it concludes with the veto remaining after this public hearing, it will go back to the council at which point and time they will have the option of bringing it up for a vote of two thirds or more to continue to pass and make it law.

Elsa Levisieur: Will they be able to amend the law to deal with some of your concerns?

Mayor Hallenbeck: Well, I can't speak for the, this is a hearing in reference to a law that has been sent to me and vetoed. I can't speak for the legislative body, although sometimes I'm asked to appear and do that often. While I try to stick to my own branch of government and let the checks and balances of government work themselves out. I would be reluctant to say whether or not that's going to be the movement of the council or not.

Alderman Robert Donahue: One more time, the name veto is in place, the local law will come before the council again but in this instance a two thirds majority will be needed to pass that law and it does not have a two thirds majority. The law will not pass.

Clay Laugier, 529 Warren Street: I'm someone that lives in an apartment building, I'm really not concerned as long as the law does state that housing is taken care of and there is a

way to enforce it. I'm not into chickens, I think the real question here is what we really need to be doing in the city is food security, is as someone who grew up in poverty and had chickens and sometimes three meals a day was chickens growing up as a child, there's something that needs to be done here in Hudson and that should be the real debate here. Is that are we doing everything for all of the citizens in Hudson to secure food that's affordable and that everyone can get access to, and right now as someone who has been walking the streets constantly, I don't see that in Hudson.

Mayor Hallenbeck: Thank you sir. And you know that this is a public hearing not a debate. You know that correct?

Clay Laugier: Yes

Mayor Hallenbeck: And would you like on the record that, and correct me if I'm wrong, are you not Mr. Mendolia's campaign manager here today.

Clay Laugier: Yes, I am as well.

Mayor Hallenbeck: Do you want that on the record?

Clay Laugier: Yes.

Alderman Ohrine Stewart, 4th Ward: I just want to say that when I go to Shop Rite you can buy a good brand of whole chicken, Perdue chicken, for like \$5 or \$6. And you can feed several people with a whole chicken. So, it's not like it's not affordable chicken in grocery stores.

Alderman Wanda Pertilla, 2nd Ward: I think I can speak clearly and infinitively about low to moderate income and poor folks when it comes to food and I want to elude to the fact of when you spoke about being in the high rise, I can tell you most of the folks in my ward is not in favor of this law. We have dog issues down there we're trying to control, as far as dog poop. Ok, in a certain area. And I don't know if having chickens around bliss towers is something that would offset poverty. I definitely am not in favor of this law for the folks that I represent, most of them I represent I guarantee do not want chickens and smells down there as far as I know. I have no opinion, but the folks that I represent I'm adhering to.

Mayor Hallenbeck: Thank you.

Clay Laugier, 529 Warren Street: This isn't anything with the campaign, I'm talking as a citizen of the City of Hudson who is also involved in other things besides the campaign in terms of economic development and other groups that are coming into the area and are already here. My main concern is that instead of doing a veto looking back at the law and seeing what could have been changed for those residents who can have those chickens and then going a step further and saying what can we do with not-for-profits and inter change network events because you know what sometimes a dollar and fifty cents you can't pull that together to take the bus to

Price Chopper or Shop Rite or anything else. And I know that from living that way myself growing up.

Mayor Hallenbeck: Thank you sir.

Deborah Kinney: Excuse me but most of the lower income people entitled to food stamps and all of these other benefits that should help them be able to buy food.

Mayor Hallenbeck: They may or may not be I don't know their qualification Well, lets not get too far away with regards my position with this law, is that their living environment, their places to which they live wouldn't allow it. Not so much or maybe even equal to an affordability issue it was more of these complexes won't allow it, even if you could afford it, even if you get assistance, even if you like every benefit that's mentioned in here from eggs being healthy to it being convenient to walk ten feet to get them. They would be restricted because of the fact that they would have no say and being able to be provided with the same benefits that this law would provide others and in most but not all cases it's those individuals, hence the elitist comment, that own their property, own their own houses and are capable of doing it.

Deborah Kinney: On that food dessert subject and on that thing of enhancing our ability to keep (inaudible) you see community gardens springing up all over the place a better source of protein is beans and soy beans. You can grow those in the ground where they do nothing but good and they're far more affordable than keeping chickens and all the licensing and everything else. So, if we really want to address the food problem, not everyone is a vegetarian and isn't going to love this law but the idea you can get high quality proteins sources from dirt that doesn't have any negative impact.

Mayor Hallenbeck: And you know that some of the comments I'm hearing are excellent proposals, proposals that the council might want to here and discuss and possibly moving some of those ideas from you the public quota. Certainly the council meets in informal session next Monday a week. And you're certainly welcome to bring those comments and proposals up to the council. Are there any other comments in reference to the law at hand Local Law No. 6 the Chicken Law?

There being no further comments, Mayor Hallenbeck declared the public hearing closed at 4:30PM.

Clerk

The proposed law follows:

LOCAL LAW INTRO. NO. 6 OF 2013**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 2013, 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 some families in meeting their needs for quality, cost-effective 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. 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 the City of Hudson under the following terms and conditions:

A. Any owner, tenant or occupant of a single-family or multi-family residential lot must receive a permit from the Code Enforcement Office pursuant to this Article before obtaining any chickens or constructing any enclosures, coops, or related structures.

B. No more than five female chickens shall be allowed per lot. Roosters shall not be permitted.

C. Chickens shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

D. 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.

E. 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.

F. Chickens shall not be permitted to run at large or be off the permit holder's property unless crated.

G. Chickens shall not be used or trained for the purpose of fighting for amusement, sport, or financial gain.

H. 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.

I. 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.

J. All stored food must be kept either indoors or in a weather-resistant container designed to prevent access by animals.

K. 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 his or her personal, primary residence. Only one chicken license shall be issued per applicant and per property.

B. The permit applicant must either own the property or have written permission from the property owner to be eligible for a permit.

C. 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 Code Enforcement Officer.

D. *Permit fee and approval.* The Code Enforcement Department shall issue a permit within 30 days of receipt of a complete application and a \$20 permit fee.

E. *Permit denial and revocation.*

(1) The Code Enforcement Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this Article. The Code Enforcement Officer may revoke a permit at any time if there is a risk to public health or safety or for any violation of the provisions of this Article. Any such denial or revocation shall be in writing and shall include notification of the procedure for appeal.

(2) Any person aggrieved by any decision of the Code Enforcement Officer in conjunction with the enforcement or interpretation of this Article may appeal to the Common Council by filing an appeal, in writing, with the City Clerk within 30 days, at which time the Common Council will provide the appellant with an opportunity to be heard. The Common Council will hear such appeal within 30 days of the filing thereof and shall decide such appeal within 60 days of said hearing. If no decision is made within such period, the appeal shall be considered denied.

F. *Automatic termination.* If the permit holder is absent from the property for longer than sixty days, the permit shall terminate automatically and become void.

G. *Private restrictions not affected by permit approval.* A permit issued to a person whose property is subject to private restriction that prohibit the keeping of chickens is void. Private restrictions include but are not limited to deed restriction, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

§ 70-19. Enforcement; penalties for violations

A. Peace officers and any other persons who are or may be lawfully authorized by the City of Hudson shall administer and enforce the provisions of this Article and for that purpose shall have the authority to inspect all premises where chickens are kept, issue summonses or appearances tickets and to seize chickens, either on or off the owner's premises, if witnessed to be in violation of this Article.

B. Any violation of this article shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not more than \$250 or less than \$40

or 15 days imprisonment. Each day that a violation continues will be treated as a separate offense.

C. In addition to any fines that may be imposed under this section, the failure to provide adequate food, water or space shall subject a permit holder's chickens to seizure and removal. The Code Enforcement Department may also order the seizure and removal of chickens upon a determination that they pose a threat to public health and welfare.

§ 70-20. 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.