

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 Lima

Local Law No. 3 of the year 2014

A local law regulating the keeping of chickens in the Village of Lima.
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Lima as follows:

Section 1. Purpose and Intent.

Article I of Chapter 57 of the Code of the Village of Lima has prohibited "the keeping of farm animals, fowl or other animals within the limits of the Village of Lima..." since 1962. In recent months, there has been an upsurge of interest in the keeping of chickens in a village setting. The locavore movement, promoting the development and consumption of local foodstuffs, is a factor in proposing an amendment to the code prohibition. Additionally, it is advocated that the sustainable production of eggs and poultry at home will economically contribute to assuring food safety and quality. The Village Board has received substantial public interest requesting a reevaluation of the prohibition of raising hens within the Village limits.

The Board of Trustees finds that the keeping of domestic chickens within the Village limits may have a measurably positive impact upon the health and welfare of Village residents. Regulation of such practice is necessary to insure that the keeping of chickens will not negatively impact surrounding properties or landowners.

Section 2. Definitions.

For the purpose of this chapter, certain words and phrases shall be construed herein as set forth in this section:

Chickens - the term chicken shall, for purposes of this local law, refer exclusively to domestic hens and shall intentionally exclude roosters. No other fowl but the domestic chicken is to be permitted or included in the category of fowl addressed by this local law.

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

Section 3. Partial Repeal of Prior Inconsistent Code provisions.

- A. The definition of “Chickens” is to be added to Chapter 57 of the Village Code.

The existing code definition of Farm Animals, Fowl or Other Animals shall continue unchanged.

- B. This local law is intended to permit the raising of chickens, as defined herein, within the Village of Lima under certain conditions. Chapter 57 of the Village Code shall accordingly be augmented to permit such activity by incorporation of the terms of this local law. To that end, the existing Chapter 37 is to be modified to address this expansion of the privilege of keeping chickens on properties that are not farms within the Village, but said Chapter need not be repealed.

Section 4. Requirements Applicable to Keeping and Raising of Chickens Other than those located in a Village farm operation.

- A. **Permit.** The keeping and raising of chickens within the Village of Lima (excepting a farm operating within the Village) shall be authorized only upon obtaining a permit from the Village Code Enforcement officer. Said permit shall be made upon an application form to be promulgated by the Village Board, and upon satisfactory inspection(s) by the Code Enforcement Officer to verify compliance with the requirements of this local law. The permit shall be valid for one year only, and an annual permit fee, to be set by the Village Board of Trustees, shall be assessed and paid by each successful applicant.
- B. **Zoning Exclusion.** Only applicants residing at residential properties located in the S or the R residential districts within the Village of Lima shall be authorized to apply for a permit to keep and raise chickens. The keeping and raising of chickens in a multifamily complex or apartment setting shall be expressly prohibited, notwithstanding the zoning district of such residences; this prohibition recognizes that the keeping of chickens (or any other type of animal) in close proximity to other residents may lead to difficulties and enforcement issues. The raising of chickens in any other Village zoning district other than the S and R residential districts shall not be allowed.
- C. **Area Requirements.** All chickens must be kept at all times in a secure pen or enclosure, constructed and maintained to prevent the chickens from running at large. The pen must be resistant to rodents and to predators, and provide chickens with adequate protection from inclement weather. The pen or enclosure is to be constructed of materials that are reasonably

complementary to existing structures within the viewshed of the pen or enclosure, in order to forestall complaints by neighbors or persons within viewing vicinity of the pen or enclosure.

Only one pen or enclosure shall be permitted on any residential property. All pens or enclosures must be located at least twenty (20) feet from side and rear property or lot lines, and at least thirty (30) feet from any neighboring residence. No pen or enclosure shall be permitted in a front yard, but only in the rear of the lot, meaning that all pens or enclosures must be located to the rear of the rear wall of the applicant's home. On a corner lot, the applicant must locate the pen to the rear of the rear wall of the applicant's home.

The location and design of the pen or enclosure must be approved by the Code Enforcement Officer before the applicant shall be permitted to keep chickens on the premises. If the applicant's lot is insufficient in area to meet the setback requirements of this local law, the applicant shall not be entitled to a permit to keep chickens on the premises.

- D. Minimum standards for Condition of Pen or Enclosure.** No more than six (6) chickens may be housed or kept on the property at any time. No roosters shall be permitted. The pen or enclosure must be regularly cleaned and serviced so as to keep it clean, dry and odor free at all times in order to minimize possible nuisance to neighboring properties. The pen or enclosure must be maintained in a sanitary condition at all times. All feed for chickens must be kept within a building in rodent-proof containers, and may not be kept outside.

Storage of chicken manure shall be permitted no closer than thirty (30) feet to any property line, and must be located to the rear of the rear wall of the applicant's dwelling. Storage of chicken manure is discouraged, unless such waste is properly and sanitarily composted. If the presence of chicken manure shall lead to unsanitary conditions such as the attraction of pests, insects or rodents, such condition must be rectified to the reasonable satisfaction of the Code Enforcement officer, or the permit to keep chickens may be revoked.

Section 5. Inspection of Chicken Pen or Enclosure by Code Enforcement Officer.

All applicants for a permit to authorize the keeping of chickens in the Village of Lima shall agree, as an incident of the application process, to allow the Village Code Enforcement Officer to enter upon the premises of the applicant at any reasonable time during day light hours to inspect the pen or enclosure to verify compliance with the requirements of this local law. It is specifically understood, and a condition of the application, that the applicant shall allow such inspection without the necessity of prior notice. Because all pens or enclosures

housing chickens are to be located in exterior lot areas inspected and authorized by the Code Enforcement Officer, it shall be deemed permissible for the Code Enforcement Officer to enter upon the premises of any party maintaining a pen or enclosure sheltering chickens.

Section 6. Miscellaneous Provisions.

- A. The slaughter of chickens shall take place inside an enclosed structure, or in an area of the permit holder's lot which is certain to be shielded from the view of the street or neighboring homes.
- B. In the event that any conflicting State or County law, regulation or similar legislation shall address the keeping of chickens in a Village setting, the requirements of this local law shall supercede such legislation unless such legislation is more restrictive, in which case the State or County law or regulation shall apply.

Section 7. Severability.

Should any section or provision of this local law contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than the part so explicitly declared to be invalid.

Section 8. Penalties.

- A. A permit to keep chickens shall be revoked by the Code Enforcement Officer in the event that two (2) substantiated violations of this local law shall be received and verified by the Code Enforcement Officer.
- B. Upon receipt of a complaint of a violation of the permit, the Code Enforcement Officer shall inspect, investigate and verify such violation. The findings of the Code Enforcement Officer shall be made in writing, and delivered or mailed to the permit holder. Such notice shall identify the violation, and shall require the immediate remediation of the violation by the permit holder. The Code Enforcement Officer shall inspect and verify compliance with the permit within five (5) days of the delivery of such notice of violation. If the permit holder fails to remediate the violation, the permit shall be revoked.

Revocation for cause of any permit to raise or keep chickens shall result in a disallowance of a new or renewal permit by that party for at least one year.

- C. If the violation of the permit continues unabated, the Code Enforcement Officer or Village Attorney may file a complaint in the Town Court to prohibit such

violation, and may request the Court to invoke the penalty provisions of Section 57 - 5 of the Village Code. In part, Section 57 - 5 provides that any person violating this local law will be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than \$250.00 for each offense. Each day's continuation of the offense shall be considered a separate offense.

Section 9. Effective Date and Duration of Local Law; Pilot Program; Limited Permits.

This local law shall take effect after filing thereof with the Secretary of State, as of January 1, 2015. It shall be lawful for the Code Enforcement Officer to initiate the application and permit process prior to January 1, 2015, but the keeping of chickens shall not be commenced or permitted until January 1, 2015. This local law shall continue in effect for the period of *one year only*, in order that the Code Enforcement Officer and Village Board may assess the desirability of extending the local law for a greater period of time. It is the intention of the Board of Trustees to evaluate this local law prior to its expiration to determine if it is in the best interests of the Village to extend it beyond the initial one year term. This local law is effectively a "pilot program" of limited duration, in order that its success and effects can be evaluated.

For and during the initial one year term of this local law, only ten (10) permits to keep chickens in the Village shall be issued by the Village Code Enforcement Officer. Limitation of the number of permits to be issued is intended to minimize any potential negative public response to the adoption of this local law by allowing the Code Enforcement Officer and residents the opportunity to verify that the keeping of chickens will not be a nuisance in the Village. During the initial term of this local law, irrespective of the date of permit issuance, the maximum duration of the permit that may be given to any applicant shall terminate no later than December 31, 2015.