

Village of Clayville
Local Law No. 1 of the Year 2022
Animal Husbandry: The keeping of any domestic animals other than
the customary household pets and/or hen chickens

Be it enacted by the Village Board of the Village of Clayville as follows:

Section 1: Statement of Authority

The Board of Trustees of the Village of Clayville, pursuant to the authority granted in Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, enacts as follows:

Section 2: Statement of Purpose and Findings

The Board of Trustees of the Village of Clayville hereby finds that the keeping of farm animals, with the exception of chickens (no roosters), should be prohibited to prevent nuisances to occupants of nearby properties and prevent conditions that are unsanitary and unsafe, commencing upon the effective date of this local law.

Section 3: Severability

If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this section.

Section 4: Prohibited Activities

No person shall breed, raise, harbor or maintain any farm animal including but not limited to horses, ponies, goats, cows, sheep, llamas, alpacas, pigs, donkeys, ducks or any other animal commonly considered a farm animal. This section shall not apply to domesticated pets, which are defined as dogs, cats, fish, reptiles or caged birds customarily kept in the home.

Section 5: Permit required for Keeping Hen Chickens (No Roosters)

It shall be unlawful for any person, firm, corporation or company to own, harbor, keep, raise or maintain any hen chickens within the limits of the Village of Clayville without first obtaining a permit subject to the approval of the Board of Trustees of the Village of Clayville.

Section 6: Application for Permit Fee

Each application shall be submitted on an official Village form and accompanied by a permit fee of \$25.00, which may be amended by the Board of Trustees at any time. A single application may cover all such allowed hen chickens at a certain residence. By submitting an application for a permit, the applicant agrees to be bound by the provisions of this law, and impliedly consents to inspection of the immediate area housing said hen chickens upon reasonable notice to the applicant. A \$10.00 renewal fee will be imposed annually, as well as an inspection by the Codes Officer. Said renewal shall be contingent upon Village Codes Officer's inspection of the subject premises and approval of said renewal by the Village Board.

Section 7: Duration of Permit

Any permit issued pursuant to this local law shall expire on December 31st of the year in which it was issued. A permit issued pursuant to this local law shall not be transferable.

Section 8: Conditions

Permits for the purposes contained in section 5 shall be uniform and may, in the discretion of the Board of Trustees, contain provisions and conditions, which, in their judgement, may be essential for the welfare and benefit of the people of the Village of Clayville.

Section 9: Revocation of Permit

- A. Any permit, for purposes contained in section 5, may be revoked and annulled by the Board of Trustees upon proof that to the satisfaction of said Board, the permit holder has violated any provision of this law.
- B. Such proof shall be taken before the Board of Trustees upon notice to the permit holder to show cause why such permit should not be revoked. The Board of Trustees shall hear the proofs and allegation of the case and determine the same summarily.
- C. Any person whose initial permit shall have been revoked or annulled shall not be entitled to a permit under any of the provisions of this law, for a period of 24 months following the date of revocation. A second revocation of said permit shall render the violator ineligible for any future said permit.
- D. On an examination pursuant to notice to show cause, as aforesaid, the permittee may be a witness in his own behalf.

Section 10: Criteria for Permit Issuance

- A. No more than eight (8) hen chickens shall be allowed for each single-family dwelling or multi-family dwelling.
- B. No hen chickens shall be allowed in multi-family or duplex dwellings without the written consent of the property owner and all of the tenants.
- C. No rooster(s) shall be allowed, however, any resident currently in ownership of a rooster will be grandfathered in. Once said rooster(s) has passed, the resident will not be permitted to own or possess another rooster on the permitted premises. No existing rooster(s) may be replaced by a subsequent rooster.
- D. The hen chickens must be housed in coops and/or cages, which may not be located in the front yard or side street areas. Said structure(s) shall not be attached to any other structures and must be located a minimum of 10 feet from any side or back property line and at least 20 feet from the nearest dwelling.
- E. A separate permit must be approved for any fence, coop, cage and/or enclosure that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area, nor five (5) feet in height. The structure referenced herein shall not be considered an "accessory structure" under Village zoning.
- F. Hen chickens shall be kept as pets and/or for personal use only; no person within the Village of Clayville shall sell eggs, meat, or engage in breeding or fertilizer production for any commercial purpose. Slaughtering of any hen chickens must be performed within an enclosed structure and not visible to other residents and/or passersby.

Section 11: Sanitation and Nuisances

- A. The hen chickens shall be kept within both a coop and fenced outdoor enclosure.
- B. The hen chickens must be covered, predator resistant, well-ventilated and provide a minimum of two (2) square feet per bird. The outdoor enclosure shall be adequately

fenced to contain the chickens and to protect them from predators and shall provide at least ten (10) square feet of area for each bird.

- C. The fence, coop, cage and/or enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste. Such waste, pending disposal, shall be kept or stored in tightly covered metal containers, or in such a manner as shall be approved by the Board of Trustees, so as not to create a nuisance.
- D. The hen chickens shall be kept only in conditions that limit odors and noise, so as not to cause a nuisance to occupants of nearby buildings or properties and to comply with applicable provisions of both the New York State and Oneida County sanitary codes.
- E. The hen chickens shall not be kept in a manner that is injurious or unhealthful to them.

Section 12: Reasonable Accommodations per the US Fair Housing Act

1. Definitions
 - a. "Assistance Animal" shall be inclusive of a Service Animal, as well as other animals used for emotional support or therapy.
 - b. "Companion Animal" or "Pet" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Pet" or "Companion Animal" shall not include a "Farm Animal" as defined in this section.
 - c. "Farm Animal", as used in this article, means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses, or fur-bearing animals, as defined in section 11-1907 of the Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animals shall not include dogs or cats for purposes of this legislation.
2. All Service Animals, Service Dogs, and Therapy Dogs shall be allowed within the Village, and shall be lawfully licensed.
3. The Village shall make reasonable accommodations to any resident applicant for any unusual animal to be kept as a companion or emotional support or assistance animal. An unusual animal is one which deviates from the above definitions or a service animal, therapy animal, or service dog. The following shall be provided to the Village prior to the keeping of any unusual animal:
 - a. Proof from a physician that the requested accommodation is required. This proof must demonstrate a disability-related therapeutic need for the specific animal or type of animal requested to be kept. Such proof must show a nexus between the disability and the need for the unusual animal to be kept. This need not detail the disability or violate the resident's right to privacy. Such proof must also show that the need for the particular unusual animal cannot be met by another, less unusual or more commonly kept pet.
 - b. Proof that the animal is properly vaccinated and licensed, both with the Village of Clayville, as applicable.
 - c. Any proofs needed to satisfy the Planning Board, Code Enforcement Officer, or Zoning Board that the safety of other Village residents shall not be compromised by the keeping of such an animal within the Village.
4. EXECPTIONS: Nothing in this law shall be interpreted to limit the keeping of any animal or type of animal by a person with a disability who demonstrates a legitimate need

for such an animal to be so kept. Commonly kept household pets, including, but not limited to fish, hamsters, small birds such as parakeets, and others, shall not be required to show licensure. Ferrets, cats and dogs must be properly vaccinated against rabies under NYS Law.

Section 13: Penalties for Offenses

Any person who shall violate any provisions of this Local Law shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine of not less than \$50.00 and not more than \$250.00. Each day such violation continues, shall be considered a separate and distinct offense.

Section 14: Enforcement

The Village of Clayville Codes Enforcement Officer, authorized Animal Control Officer, and/or local police department personnel shall have the authority to enforce the provisions of this law to include the right to inspect any property housing permitted hen chickens to determine compliance regarding this law. Said inspection shall be on reasonable notice to the permit holder. The permit holder shall cooperate in good faith as to the date and time to complete said inspection. Failure of the permit holder to cooperate in good faith to complete a noticed inspection may be a basis for permit revocation pursuant to paragraphs “6” and “9” hereinabove.

Section 15: Effective Date

This local law shall be effective 90 days subsequent to the date of filing with the New York State Department of State, as required by the Municipal Home Rule Law.