

Local Law x of 2022

A Local Law amending Chapter 140 of the Code of the Town of Rochester

§ 140-14.1 Animal Husbandry

**Section 1. Chapter 140 Amendment**

Chapter 140 of the Code of the Town of Rochester § 140-14.1 **Agricultural Use**, shall be deleted in entirety and replaced with a new Subsection § 140-14.1 **Animal Husbandry**, as follows.

**§ 140-14.1 Animal Husbandry.**

- A. This article regulates all animal husbandry not located on property assessed as agricultural use or any property in an Ulster County Certified County Agricultural District that is actively employed in agriculture qualifying for agricultural assessment. Animal husbandry shall conform to the following standards and the federal Animal Welfare Act of 1966, as updated.
- B. The keeping, grazing, feeding, and care of animals shall be permitted as an accessory use on improved lots pursuant to the Schedule of District Regulations.
- C. The following are exempted from regulation under this chapter, are permitted by right, and do not require a permit:
  1. The keeping of customary household pets;
  2. The keeping of animals in conjunction with a farm operation, as defined herein;
  3. The keeping of animals in conjunction with a kennel or a veterinary office;
  4. The keeping of animals by individuals involved in 4-H project(s), provided that proof of 4-H endorsement thereto or membership thereof, **in force previous to the application**, is submitted to the **satisfaction of the** Code Enforcement Officer. **The Code Enforcement Officer may disallow or restrict the number of animals based on the acreage, topography and/or proximity to neighboring residences of the parcel.**
- D. The keeping of exotic and native wild animals is not permitted in any zoning district., with the exception of Wildlife Rehabilitators as defined and licensed by the NYS Department of Environmental Conservation (6 CRR-NY 184.2 of Codes, Rules and Regulations of the State of New York).
- E. Animal husbandry shall conform to the following standards:
  1. Animals shall in all instances be adequately sheltered, fenced **or contained** and otherwise maintained so as not to create a nuisance to surrounding properties **and so as to maintain the health and welfare of the animals**. **Animals** and shall be maintained in a sanitary manner **and shall be provided a constant availability of clean water and adequate forage/food**. Handling, storage, disposal or removal of all animal waste shall be done **in a timely manner** to ensure minimum impact on the environment and to avoid any impact on neighboring residences, whether from odor, associated pests or water runoff. Such animal waste shall be stored at a distance in accord with any applicable laws from any wells, residences or wetland or watercourse buffers and must be screened from view from public roadways or neighboring residential properties.

2. The minimum lot size for keeping large hoofed animals (such as horses, mules, llamas, cows, sheep, goats, hogs or other similar four-legged domestic-type farm animals) shall be a minimum three (3) acres of viable pasture or forage land inclusive of animal housing structures.
3. Animals and all animal enclosures (stable building, pens, feed lots, corrals, manure storage areas or other areas where animals are concentrated, except for grazing paddocks), shall be located less than 100 feet from any adjoining property line and any public or private roads.
4. The minimum lot size for keeping large birds (such as waterfowl, turkeys and peafowl) or small poultry (such as chickens) shall be one (1) acre.
5. Animal husbandry shall not be permitted on multifamily dwelling parcels.
6. All animals shall be restricted from unauthorized grazing or intruding upon any adjoining property
7. Animal husbandry in manufactured housing parks shall be permitted only upon site plan approval by the Planning Board.
8. In the case of keeping multiple animal types, the greater minimum lot size shall apply.
9. The maximum quantity of animals allowed for the following animals (and other similar domesticated animals) if a property meets or exceeds the minimum lot size requirements, shall be:
  - i. Sheep, Goats, Alpacas and Llamas: 2 adults per acre
  - ii. Cattle: 1 adult per acre
  - iii. Horses: 1 adult animal per acre, miniature equine 2 adults per acre.
  - iv. Pigs: 3 adults per acre, with one to two sows with litters per acre inclusive.
  - v. Poultry & Waterfowl: 12 per acre.
  - vi. Rabbits: kept in hutches. The maximum number of rabbits shall be determined by the minimum square foot floor space determined by the Animal Welfare Act of 1966, as updated.
  - vii. Other non- specified animals shall be classified based on similar sized animals.
10. These numbers shall not be applied on a cumulative basis. As an example, a parcel with three acres of viable pasture/forage land shall be allowed to keep two sheep and one horse. A lot exceeding the 3 acre minimum of viable pasture/forage land can have two sheep and one horse for the first 3 acres and then 2 more sheep for the next acre, but not 2 sheep and one horse and 12 poultry cumulatively for the next acre.
11. Further county or state regulations may apply, and the most restrictive regulations shall take precedence.

F. Animal husbandry on property not meeting the minimum lot size requirements shall be permitted only upon site plan approval obtained from the Planning Board. Such application shall be classified as a Type II action with regard to SEQRA. The site plan application fee shall be waived; however, the applicant shall be responsible to reimburse the Town for the actual incurred costs from the engagement of professional consultants and public hearings in connection with an animal husbandry application. The Planning Board shall review the specific circumstance of the property in the following manner and shall attach reasonable conditions to any approval.

1. Application requirements. Applicants shall submit a sketch plan as per § 140-45 showing locations of animal pens, fields, barns, fences, animal **water sources**, screening and manure piles in addition to all other natural features, (such as but not limited to **waterbodies, wetlands, and wooded areas**), and improvements on the site. The applicant shall submit a narrative detailing the quantity and types of animals and any other such pertinent information to the application.

2. The Planning Board may refer all applications to a qualified consultant such as Cornell Cooperative Extension, the Society for the Prevention of Cruelty to Animals, or the New York State Agriculture and Markets Department for review to determine the maximum numbers and types of animals for incorporation as a condition of site plan approval.
3. In all zoning districts where a parcel has less than one acre, no large hooved animals shall be permitted, with the exceptions of 140-14.1 (3) (a-d) remaining in force.

G. Animal husbandry in practice before the adoption of this chapter shall be deemed a nonconforming use with respect to these minimum lot size requirements.

## **Section 2. Severability**

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

## **Section 3. Effective Date**

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law