

RESOLUTION No. 2020-

RELATIVE TO ENACTING OF CHAPTER 704 OF THE CITY OF NIAGARA FALLS CODIFIED ORDINANCES ENTITLED "FOWL"

BY:

Council Member Kenny Tompkins

BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby amends the City's Codified Ordinances by enacting Chapter 704, entitled "Fowl."

CHAPTER 704

Fowl

704.01 Prohibited Conduct

704.02 Exceptions for Chicken Hens

704.03 Chicken License Application Contents

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704.05 Review, Expiration and Renewal of Chicken License

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704.01 Prohibited Conduct

It shall be unlawful for any person to keep any chicken, pigeon, turkey, duck or any fowl in any residential, commercial or manufacturing district in any building or structure or on the same lot or premises, except as provided in this Chapter.

704.02 Exceptions for Chicken Hens.

It shall be lawful for any person to keep, permit or allow any domesticated chicken hens in any residential district under the following terms and conditions and after having received a license to keep said chicken hens from the City Clerk as prescribed herein under the following terms and conditions;

- A. **No more than five chicken hens shall be allowed for each single family dwelling or multifamily dwelling.**
- B. **No chicken hens shall be allowed in multifamily complexes, including duplexes, without the expressed written consent of the owner of the building and all tenants residing in the building other than the applicant.**

- C. No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.
- D. No roosters shall be allowed.
- E. Chicken hens are to be restricted to the rear or backyard of any lot in a residential zoning district or the rear or backyard of a residential use in all other zoning districts.
- F. Chicken hens 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.
- G. Persons wishing to keep chicken hens within the City of Niagara Falls must obtain a license from the Office of the City Clerk after payment of an annual fee of \$25, and after inspection and approval of the coop and cage that chicken hens are to be kept in by an Animal Control Officer, pursuant to this Chapter.

704.03 Chicken License Application Contents.

The application for such license shall include the following information:

- A. The name, phone number and property address of the applicant;
- B. The location of the subject property;
- C. The size of the subject property;
- D. The number of chicken hens the applicant seeks to keep on the property;
- E. A description of any coops or cages that will house the chicken hens, together with a description of any fencing, barriers or enclosures surrounding the curtilage of the property;
- F. A scaled drawing showing the precise location of cages, coops, enclosures, fences and barriers in relation to property lines and to structures on adjacent properties;
- G. A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of rodents and insects;
- H. A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of chicken hens as described in the license application;

- I. A signed statement from any and all tenants of the building that they consent to the applicant's keeping of chicken hens on the premises;
- J. A signed statement from any resident residing on a property adjacent to the applicant's property consenting to the applicant's keeping of chicken hens on the premises;
- K. The addresses of all properties within a fifty-foot radius of the subject property.

704.04 Chicken Coop Setbacks and Limitations.

A. Setbacks.

- 1) The coops or cages housing such chicken hens must be situated at least 20 feet from any door or window of a dwelling, school, church or other occupied structure other than the applicant's dwelling.
- 2) The coops or cages housing such chicken hens may not be located in front or side street yard areas and shall not be located within five feet of a side yard lot line nor within 18 inches of a rear yard lot line, except where the rear lot line forms the side lot or front lot line of an abutting property, in which case the setback from such rear lot line shall be five feet. No chicken hens shall be kept in front yard or side street yard areas.

B. Enclosures/Coops and Cages.

- 1) The chicken hens shall be kept within both a coop and a fenced outdoor enclosure.
- 2) The chicken hens must be kept in the coop and fenced outdoor enclosure at all times and shall not be allowed to run free in the fenced outdoor enclosure unless a responsible individual, over 18 years of age, is directly monitoring said activity and is able to immediately respond should said chickens need to be returned to their individual cages.
- 3) The chicken coop shall be a covered, predator resistant, well ventilated structure providing a minimum of two square feet per chicken hen.
- 4) The outdoor enclosure shall be adequately fenced to contain the chicken hens and to protect the chicken hens from predators.

- 5) The coop must be kept in a clean, dry and sanitary condition at all times.
- 6) The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.
- 7) The total area of all coops or cages on a lot shall not be greater than 32 square feet for up to five chicken hens. Coops and cages, singly or in combination, shall not exceed seven feet in height.
- 8) The chicken feed or other food used to feed the chicken hens shall be stored in a rat-proof, fastened container stored within a structure, which shall only be unfastened for the retrieval of food and immediately re-fastened thereafter.
- 9) The chicken hens shall be fed only from an approved trough. Scattering of food on the ground is prohibited.

C. Sanitation and Nuisances.

- 1) Chicken hens shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents 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 Niagara County sanitary codes.
- 2) Chicken hens shall not be kept in a manner that is injurious or unhealthful to any animals being kept on the property.

D. Slaughtering. There shall be no outdoor slaughtering of chicken hens.

704.05 Review, Expiration and Renewal of Chicken License.

A. Initial review.

- 1) Upon receipt of a chicken license application and the requisite license fee, the City Clerk shall immediately notify the Animal Control Officer of said application, including the number of chicken hens sought to be licensed and the location of the proposed chicken coop or cages.
- 2) The City Clerk shall immediately notify those property owners who own the properties within 50 feet of the applicant's property and

provide them with an opportunity to provide written comments as to their support or opposition to the proposed chicken coop.

- 3) The Niagara Falls City Council and the Office of the Mayor shall also immediately be notified of the chicken license application.
- 4) If the City Clerk receives no written comments evidencing opposition to or concern regarding the proposed chicken coop within 20 days of receipt of the application, he or she shall issue a license for up to five chicken hens to the applicant that shall be nontransferable and valid for one year from the date of a satisfactory inspection of an Animal Control Officer, which shall be subject to the renewal provisions set forth below.
- 5) If the City Clerk receives written comments evidencing opposition to the proposed chicken coop and cage within 20 days of receipt of the application, he or she shall file with the City Council the complete chicken license application and all comments received regarding the application for its consideration thereof.
- 6) The City Council shall determine, in its discretion, and taking into account the entire record before it, whether or not a chicken license shall be issued to the applicant. The City Council shall be empowered to impose further conditions on the license that it deems to be necessary to preserve the public health, safety and/or welfare.
- 7) The Animal Control Officer shall cause an inspection of the proposed chicken coop to be conducted to verify conformance with the provisions of this Chapter within 45 days of the applicant being issued a license.
- 8) After completion of the inspection by an Animal Control Officer and confirmation that the coop conforms to the specifications provided in the application approved by the City Clerk, the licensee shall be allowed to keep the number of chicken hens specified in the license on the premises.
- 9) A license issued to an applicant shall include the licensee's proper name, the property address for which the license is valid, the number of chicken hens allowed at the property address, a unique license number, the date the license was issued, an expiration date exactly one year from the date of issuance and any conditions imposed by the City Council.

10) Only one chicken license shall be issued per applicant and per property. No licensee shall be eligible to obtain a chicken license for multiple properties, nor shall more than one license be issued to one property address.

B. Renewal.

- (1) On the first business day of May of every year, the City Clerk shall file with and notify the City Council, the Office of the Mayor, the Department of Code Enforcement and the Department of Parks and Public Works of all chicken hen licenses issued in the prior year, including the names of the licensees, their property addresses, the number of chicken hens licensed at said property and the issuance and expiration dates of said licenses.**
- (2) On or before June 1 of every year, the City Council, the Office of the Mayor or any other interested party shall file complaints received regarding licensed chicken hens.**
- (3) Any complaints received regarding any particular chicken license issued shall be considered at a regular meeting of the City Council, at which the licensee and any other interested party shall have the right to be heard concerning said license.**
- (4) The City Council may, in its discretion, not renew any chicken license for any reason after the licensee and any other interested party has been given an opportunity to be heard.**
- (5) On the first business day of June of every year, the City Council shall proceed to consider renewal of all chicken licenses issued, as prescribed in this Chapter, and may revoke any license issued pursuant thereto.**
- (6) If, at any time, the City Council is made aware of any complaints regarding a properly licensed chicken coop, it may proceed to hear the complaints of any interested party and the defense of the licensee at its regular meeting and may revoke the license issued for any reason pursuant to this Chapter.**
- (7) If a license is renewed pursuant to the provisions hereof, the applicant may continue to keep chicken hens pursuant to the terms and conditions set forth herein and imposed in the initial license, provided that he or she pays the annual fee of \$25 on or before the expiration date of the license.**

(8) Except in the case of a chicken coop that is not permanently affixed to the ground and is therefore mobile, any licensee shall first obtain a building permit in accordance with Chapter 1107 of the City's Codified Ordinances prior to constructing or erecting a chicken coop not inconsistent herewith.

704.06 Penalties for Offenses

Any person, firm or corporation who shall violate any of the provisions of this chapter shall be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or both. Each day in which any such violation shall continue shall be deemed a separate offense.

Bold and Underline Indicate Additions

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