

August 17, 2021

Proposed 2021 Zoning Revisions to TOC Ordinance

ARTICLE VI, SECTION 671 - KEEPING OF FARM ANIMALS ON RESIDENTIAL AND NONRESIDENTIAL LOTS (Rev 11/20/2012)

A. These regulations are intended to protect residents from the potentially adverse effects of keeping farm animals in residential areas, and will ensure that the affected farm animals are provided with a healthy living environment and sufficient area to roam within the boundaries of a property. These regulations shall not apply to commercial agriculture, farm animals harbored on a farm, or domestic household pets (such as cats and dogs).

B. Farm animals shall be allowed on residential and non-residential lots in the Residential/Agricultural District, **Business/Commercial District**, Industrial District, Conservation District, ~~Rural/Residential District~~ and Residential/Hamlet District. Farm animals shall not be allowed on any lot in the ~~Business/Commercial District, Industrial District, Industrial-Mining District and Historic District.~~

C. The number of customary farm animals allowed on a single residential or non-residential lot shall be as follows:

1. Poultry (fowl) and rabbits

- a. For residential and non-residential lots a minimum lot size of (40,000) square feet is required for the noncommercial keeping of any poultry (fowl) or rabbits.
- b. No more than six (6) poultry (fowl) and six (6) rabbits shall be ~~permitted~~ **permanently housed onsite.**
- c. Poultry (fowl) and rabbits shall be housed, kept or penned a minimum of fifty 50 feet from the residence on the lot where the animals are kept and from any residence on any adjoining lot or parcel.
- D. Six (6) additional poultry and six (6) rabbits may be housed onsite for each additional (40,000) square feet.**

2. Equine, Bovine, Porcine, Camelids and Ovine Species

- a. For residential and non-residential lots a minimum lot size of 120,000 square feet) is required for the noncommercial keeping of any equine, bovine, porcine, camelid or bovine species.
- b. No more than two (2) Equine, Bovine, Porcine, Camelids or Ovine shall be permanently housed onsite.**
- c. One (1) additional animal may be housed onsite for each additional (20,000) square feet.**

3. For residential and non-residential lots greater than ten acres in size, or those located in a County Legislature approved agricultural district or those that have entered into an individual commitment pursuant to Article 25AA of the New York State Agricultural and Markets Law, all customary farm practices involving the keeping of farm animals are permitted, provided that

such practices are not injurious to the public health and do not violate standards set forth in the Orleans County Sanitary Code.

D. Permanent shelter shall be provided for all farm animals. The shelter shall be of sufficient size and equipped with adequate food and water for the number and type(s) of animals harbored on the premises. At no time shall a dwelling unit or basement of a dwelling unit be used to shelter farm animals.

E. A shelter shall only be allowed in the rear yard, and shall be located a minimum of 75 feet from any property line.

~~F. A minimum of one-half acre of pasture land shall be provided for each farm animal harbored on a lot.~~

G. All excrement produced by farm animals shall be collected and disposed of on a regular basis for health purposes and to control flies, rodents and odor. If excrement must be temporarily stored on site, it shall be located a minimum of 75 feet from any property line and a minimum of 200 feet from any blue line stream, wetland, pond and drinking water well.

H. Stored excrement shall be either composted and reused on the premises, or entirely removed from the lot. Excrement which is removed from the premises shall be loaded and transported in a manner to prevent the loss, discharge or spillage of excrement onto the highway or neighboring properties.

I. A fenced area or enclosed area shall be provided on the lot which is capable of containing the farm animals harbored on site.

J. Fences shall comply with Article VI, Section 610 - FENCES

K. Materials used for any fence or enclosure shall be of sufficient sturdiness and properly designed, installed and maintained so as to prevent straying.

~~J. Fences shall not exceed six feet in height, as measured at the highest point of ground directly below the fence. Article VI; Adopted 08/23/2005; Rev 2020~~

~~K. The finished side (good side) of any fence or enclosure shall face adjoining properties. Fence posts shall face in and away from any adjoining lots or property owned by others.~~

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M. All farm animals, shelters, grounds and operations associated with this section shall be subject to periodic visual inspections by the Code Enforcement Officer. The Code Enforcement Officer shall determine the need for and timing of such inspections.

N. A person shall be considered in violation of this Ordinance if one or more of the following occurs: failure to provide proper food and water; failure to provide permanent shelter; failure

to provide adequate pasture land; failure to properly clean and maintain the shelter and grounds; failure to properly collect, store, compost, reuse or dispose of excrement; failure to provide adequate fencing or enclosures; straying of farm animals off the property; and failure to allow visual inspection of the premises. Any person deemed in violation of this Ordinance shall be subject to the procedures and penalties set forth herein.

O. If the owner of the farm animals fails to correct any identified violation(s), the Town shall have the authority to issue a violation notice and/or appearance ticket.

P. Offspring of permitted animals shall not be counted in determining the permitted number of animals if such offspring do not exceed the following age limits:

1. Bovine – 6 months
2. Camelids – 6 months
3. Equine – 12 months
4. Ovine – 6 months
5. Porcine – 4 months
6. Poultry, fowl, rabbits – 4 month

Renumber document as necessary