

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

of Kinderhook

FILED
STATE RECORDS

AUG 05 2022

DEPARTMENT OF STATE

Proposed Local Law No. 1 of the year 2022

A local law amending Chapter 250 and Chapter 80 of the Town of Kinderhook Code

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

County
City
Town
Village

of Kinderhook as follows:

PURPOSE AND INTENT

The Town Board of the Town of Kinderhook hereby adopts amendments to Chapter 250 and Chapter 80 of the Town of Kinderhook Code in order to regulate and ensure orderly land use development within the Town of Kinderhook in such a manner that does not harm public health, welfare and safety.

AUTHORIZATION

The Town Board of the Town of Kinderhook enacts this Local Law under the authority granted by:

1. Article IX of the New York State Constitution, §2(c) (6) and (10).
2. New York Municipal Home Rule Law §10.
3. New York Town Law, Article 16 (Zoning).

ENACTMENT

Be it enacted by the Town Board for the Town of Kinderhook that Chapter 250 of the Kinderhook Town Code be hereby amended as follows:

Amend §250 Attachment 1 – Use Regulation Table

The Use Regulation Table is hereby amended to provide a Row entitled “Agriculture, including the keeping of fowl or farm animals, in compliance with § 250-19⁶”, to be designated a Permitted Use subject to a special use permit in the H Zoning District with the symbol “X” to be placed in the column for the said use in the H zoning district.

Amend §250 Attachment 1 – Use Regulation Table

The Use Regulation Table is hereby amended to provide as follows:

NOTES:

6. Subject to the provisions of Chapter 80, Article II.

Amend Chapter 80 to provide as follows:

Article II. KEEPING OF CHICKENS.

§80-8 Regulations Regarding Chickens.

- (a) Except as provided in this Article, no owner, tenant or occupant of land within the Hamlet zoning district of the Town of Kinderhook shall permit such land or any part thereof, or the buildings or structures thereon, to be used in whole or part for the raising, keeping, harboring or maintaining of any chickens, turkeys, geese, ducks, peafowls, guinea hens or any other bird or fowl. Household birds, such as parakeets, canaries, parrots, cockatoos, macaws or similar size birds, shall not be affected by this section.
- (b) Chickens may be kept in the Hamlet zoning district within the Town of Kinderhook subject to the terms and conditions set forth herein.
- (c) Any owner, tenant or occupant of a lot seeking to have chickens on its real property within the Hamlet zoning district must obtain an annual license from the Town of Kinderhook Building Department pursuant to this Article before constructing any enclosures, coops, or related structures.
- (d) No more than six (6) female chickens shall be allowed per lot. Roosters shall not be permitted.

- (e) Chickens shall be kept as pets and for personal use only; no person shall sell meat or engage in chicken breeding or fertilizer production for commercial purposes.
- (f) Chickens must be provided with adequate food, water and space, and all premises occupied or used by chickens shall be kept in a clean, sanitary condition. "Adequate" as used in this article shall mean reasonably sufficient given the ages, sizes, and number of chickens on the premises.
- (g) Chickens shall be kept only in conditions that limit odors, waste and noise and the attraction of rats, mice, insects and other pests so as not to cause a nuisance to nearby properties or cause damage to public or private property.
- (h) Chickens shall not be permitted to run at large or be off the permit holder's property unless crated.
- (i) Chickens must be kept in a fenced enclosure at all times. The enclosure must be either covered or of a height sufficient to prevent the chickens from flying out. Chickens must also have access within such fenced enclosure to a covered, ventilated, and predator-resistant coop. All such enclosures and coops shall be properly cleaned and maintained and shall be constructed of materials and in a manner designed to prevent predators, rodents and other vermin from entering into or remaining therein.
- (j) Chicken coops must be set back at least 25 feet from side and rear property lines and at least 25 feet from the nearest dwelling or other occupied structure, other than the permit holder's dwelling. Enclosures and coops shall not be located any closer to a public street than the primary residence and shall not be placed in any front yard.
- (k) All stored food must be kept either indoors or in a covered steel container designed to prevent access by animals.
- (l) Provisions must be made for the storage and removal of chicken manure and other waste. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the coop and surrounding area must be kept free from trash and accumulated droppings.

§80-9 License Fees

The annual license fee shall be \$50.00. The annual license fee may be modified in the future by a resolution duly adopted by the Town Board of the Town of Kinderhook.

§80-10 Penalties for Offense

A violation of this Article II is hereby declared to be a violation punishable by a fine not exceeding \$100 for the first offense, \$250 for the second, and \$500 for each offense thereafter. Each day's continuing violation shall constitute a separate violation.

SEVERABILITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said local law which shall remain in full force and effect.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2022 of the Town of Kinderhook was duly passed by the Town Board on Aug. 1, 2022, in (Name of Legislative Body) accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.*)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____, 20____ (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____, 20____. Such local law was (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____, 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


Kim Pinkowski, Town Clerk

Date: 8/17, 2022

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature 
Title: Counsel Andrew B. Howard, Esq.

County _____
City of _____
Town _____
Village _____
Kinderhook

Date: August 1, 2022