

**LEGAL NOTICE
CITY OF ONEIDA
LOCAL LAW NO. 4 of 2024**

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the authority vested in it by law does hereby enact Local Law No. 4 of 2024 amending Chapter 17, Section 17-1, of the Code of the City of Oneida and to establish a new chapter regulating the harboring of hens within the City of Oneida Inside District as follows:

**“A Local Law Amending Section 17-1 of the City Code and Establishing
a New Chapter Regulating the Harboring of Hens Within the City of Oneida Inside District**

BE IT ENACTED by the Common Council of the City of Oneida as follows:

Section 1.

So that the definition of “Domestic Animal” set forth in Section 17-1 of Chapter 17 of the City Code, titled “Animals,” is hereby amended so as to read, in its entirety, as follows:

“DOMESTIC ANIMAL – Includes domesticated sheep, horses, cattle, goats, swine, ducks, geese, turkeys, and game birds raised in confinement under permit or license from the State Department of Environmental Conservation; “hens” are specifically excluded from the definition of “domestic animal” and are subject to regulation pursuant to Chapter 71.”

Section 2.

The Code of the City of Oneida is hereby amended to include a new Chapter 71, titled “Harboring of Hens,” which shall read as follows:

“Chapter 71. Harboring of Hens within the Inside District

§71-1 Legislative Findings and Intent.

The Common Council of the City of Oneida hereby finds that the keeping of hens can play a role in ensuring a source of local food and a sustainable environment, but that the improper maintenance of hens in residential neighborhoods within the Inside District may cause nuisances to nearby residential properties and can create conditions which are unsanitary and unsafe. Therefore, it is the intent of the Common Council, pursuant to Article IX of the New York State Constitution, Article 18 of the General Municipal Law and Sections 10 and 20 of the Municipal Home Rule Law of New York State, to permit and regulate the keeping of hens within the City of Oneida Inside District. This Local Law shall allow the harboring of small flocks of hens subject to permit, by residents of single-family dwellings within the Inside District, which are not otherwise defined as or used for agricultural farming uses. The conditions imposed by this Local Law are intended to facilitate the harboring of hens in a manner that is consistent with the residential character of the City and so as to not cause or contribute to nuisances, pollution or otherwise adversely impact neighboring property owners in any way.

§71-2 Definitions.

COMMUNITY SERVICE OFFICER – City of Oneida Community Service Officer, or his/her duly

authorized representative.

COOP – A permanent or mobile structure that is designed to shelter hens from the weather and predators and has a maximum size of 72 square feet if the property is less than one acre and a maximum of 144 square feet for properties equal to or greater than one acre.

HEN – Any female chicken also scientifically known as a female Gallus domesticus.

NEIGHBOR – Any property owner or resident contiguous of the property to be affected by said appeal.

RUN – An enclosed, covered area for chickens to roam and eat.

CITY – City of Oneida.

INSIDE DISTRICT – The area of the City bounded by a line beginning at the point where the Conrail tracks cross Oneida Creek just south of the New York State Thruway, thence westerly along the Conrail tracks to the point where an extension of the west inside/outside corporation line intersects, thence southerly along the inside/outside corporation line to Genesee Street (New York State Route 5), thence easterly along Genesee Street to the point where the same crosses Oneida Creek, thence northerly along Oneida Creek to its starting point.

§71-3 Permit required.

It shall be unlawful for any person, association, group or organization within the limits of the Inside District of the City to harbor hens without first having obtained, paid for and having in force and affect, a valid, current permit. Roosters (male chickens) are prohibited within the City.

§71-4 Permit application and approval process.

- A. Any person, association, group or organization, interested in harboring hens within the City limits must submit a completed “Harboring of Hens Permit Application” to the Office of the City Clerk.
- B. With the “Harboring of Pens Permit Application,” the applicant shall submit: (1) a site plan depicting the property in its current condition and the location of the proposed Coop and Run with a minimum setback distance of ten (10) feet from the side and rear yards, unless the property is enclosed with a privacy/ stockade fence, whereupon the Coop and Run may be situated against the fence structure; and (2) an application fee as prescribed by resolution of the Common Council. Upon submission of an Application with a site plan and application fee, the application, once deemed complete, shall be provided to the Community Service Officer, who shall arrange for a site inspection of the property within two (2) weeks of such Application having been deemed complete.
- C. A permit allowing hens to be harbored may be issued by the City Clerk upon confirmation by the Police Department/Community Service Officer that a site inspection of the property was performed and adequate space exists for the proposed Coop and Run. Upon issuance of a permit and payment of the permit fee, as prescribed by resolution of the Common Council, a follow-up inspection of the Coop and Run shall be performed by the Community Service Officer to confirm compliance with this Chapter.

- D. The permit shall initially be valid for a period of one year, and the cost of such permit for the first shall be included in the application fee. Subsequent renewals of the permit shall be valid for a period of three (3) years. Every permit application shall require an inspection.

§71-5 Permit conditions.

- A. The harboring of hens shall only be permitted on an owner-occupied parcel with a single-family residential unit situated thereon within the Inside District, which parcel is not otherwise defined as or used for agricultural farming purposes. If the property for which the permit is requested cannot adhere to all City building setback requirements and construction guidelines, as outlined in §71-6 of this Law, or if the property's lot size does not permit compliance with the dimensional requirements for the Coop and Run, then a permit shall not be granted.
- B. Hens must be kept either in a Coop and a Run that complies with the requirements set forth in §71-6 of this Chapter or a fenced enclosure that is covered or of sufficient height to prevent chickens from flying out with access to a Coop. Chickens are not allowed to run free or at large anytime, from the Coop or Run.
- C. The maximum number of hens to be harbored shall, at no time, exceed 12 on parcels that are less than one (1) acre. On parcels that are equal to or exceed one acre, the maximum number of hens to be harbored shall, at no time, exceed 24.
- D. Commercial operations are prohibited. This includes but is not limited to the sale and advertisement of eggs and hens on the property.
- E. The outdoor slaughtering of hens is prohibited.
- F. Feed for the hens must be kept in covered, fastened containers that cannot be accessed by rodents or pests.
- G. Hen manure and bedding must be managed so as to minimize odors and not attract rodents and pests. On-site accumulation of treated or untreated hen manure and bedding is prohibited.

§71-6 Coop and Run and enclosure requirements and restrictions.

- A. The Coop shall be enclosed on all sides with walls (with or without windows), a roof and an entrance.
- B. The Coop shall be well ventilated. The minimum Coop size shall be four (4) square feet of space for each hen. The Run is not included in this calculation.
- C. A Run shall provide ten (10) square feet of space for each hen. Runs shall be fenced and covered.
- D. Coops and Runs may only be located in the rear yard of the property. Coops must be situated a minimum setback distance of ten (10) feet from the side and rear yards, unless the property is enclosed with a privacy/ stockade fence, whereupon the Coop and Run may be situated against the fence structure.

- E. The Coop and Run shall be kept clean, dry and sanitary. Hen manure and soiled bedding shall be removed at a minimum of once a week. The accumulation of hen manure and bedding may result in noncompliance and the revocation of the permit. Chicken waste shall not be composted or mulched on site.
- F. The Coop and Run must be maintained and be kept structurally sound and in good repair. Only one Coop and one Run are allowed on any parcel.

§71-7 Enforcement and permit revocation.

- A. This Chapter shall be enforced by the Community Service Officer. The Community Service Officer shall establish such procedure and make such inspections as are necessary to carry out their duties in the administration and enforcement of this Chapter.
- B. Any resident or property owner may file with the Community Service Office a written, signed complaint alleging a violation of this Chapter. The receipt of such a complaint shall result in a site visit by the Community Service Officer and an inspection of the property to determine if there exists a violation(s) of the permit.
- C. If the Community Service Officer determines that a violation of this Chapter exists, the permit holder shall be notified of the nature of the violation(s) and shall have 30 days to correct the violation(s). Failure to correct the violation(s) in the time provided may result in the revocation of the permit and the removal of the hens.
- D. In addition to a determination that the terms and conditions of a permit have been violated, a permit may be revoked for any of the following reasons:
 - 1. hens are found outside of the Coop, Run and/or the fenced enclosure;
 - 2. the Community Service Officer determines that a public nuisance exists or there is a violation of this Chapter;
 - 3. predators or pests have become a nuisance to the property or surrounding area; and
 - 4. the Community Service Officer determines that the hens have been abandoned.
- E. Any person or persons who violate or cause to be violated any provision of this Chapter shall, upon conviction for such violation, be subject to a fine not to exceed \$250, imprisonment not to exceed 15 days, or both, for each such violation; and every week (seven days) that said violation continues shall constitute a separate and additional violation.
- F. If a permit holder's permit is revoked, the permit holder shall be responsible to rehome the hens at their expense, remove the Coop and Run from the property, and shall be prohibited from applying for another permit."

Section 3. Validity and Severability

Should any section or provision of this Law be deemed invalid or unconstitutional, such decision shall not be held to invalidate or impair the validity, force or affect any other provision of this Law.

Section 4. Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.”

SANDRA L. LAPERA
CITY CLERK
Adopted July 2, 2024