

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
(Select one.)

of SOUTHEAST

Local Law No. 6 of the year 20²³

A local law to amend Chapter 138 of the Code of the Town of Southeast entitled "Zoning" to regulate
(Insert Title)
the keeping of animals in residential zones

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of SOUTHEAST as follows:

Section 138-4, "Definitions" is here by amended, in part, to add the following definitions:

ANIMALS, FARM

Any poultry or hoofed mammal typical of an agricultural enterprise such as cattle, sheep, swine, goats, llamas, horses, or fur-bearing animals, which are raised for commercial purposes, but not including any "Household Pet" as defined under this Section.

ANIMALS, NON-COMMERCIAL

Any poultry or hoofed mammal typical of an agricultural enterprise such as cattle, sheep, swine, goats, llamas, horses, or fur-bearing animals, which are not raised for commercial purposes, but not including any "Household Pet" as defined under this Section.

Chapter 138, Article IV "Residential Districts" is amended by adding Section 138-23.1 as follows:

§ 138-23.1 Keeping of Animals.

A. Intent. It is the intention of this section to regulate the keeping of animals in the Town to ensure the health, safety, and welfare of the Town's residents, and to prevent unsanitary conditions and nuisances.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

B. Non-commercial keeping of animals on residential properties shall be regulated as follows:
 (1) Poultry.

(a) The keeping of up to 2 chickens, turkeys, or similar poultry is permitted on a lot of 20,000 square feet or greater. One additional chicken, turkey, or similar poultry may be kept for each additional 10,000 square feet by which the lot exceeds 20,000 square feet, up to a maximum of thirty chickens or similar poultry.

Animal Type	Minimum Lot Size	Number of Animals Per Minimum Lot Size	Number of Animals Per Additional Square Feet	Maximum Number of Animals
Chickens / Turkeys/ Poultry	20,000 SF	2	1 per 10,000 SF	30

(b) Any building in which a chicken or similar poultry is kept shall be a minimum of 30 feet from any property or street line.

(c) The keeping of roosters or guinea hens is permitted on properties of 5 acres or greater, up to a maximum of two roosters or guinea hens.

(2) Hoofed mammals.

(a) Small to medium sized hoofed mammals (Goats, Sheep, Llamas, Alpacas).

(i) The keeping of one goat, sheep, llama, alpaca or similarly-sized animal is permitted on a lot of 40,000 square feet or greater. One additional goat, sheep, llama, alpaca, or similar-sized animal may be kept for each 20,000 square feet by which the lot exceeds 40,000 square feet, up to a maximum of fifteen pigs, goats, sheep, llamas, alpacas, or similarly-sized animals.

(ii) Any building in which a goat, sheep, llama, alpaca or similarly-sized animal is kept shall meet the greater of the minimum yard setback requirements of the underlying zoning district or be a minimum of 100 feet from any property or street line.

(b) Large hoofed mammals (Pigs, Horses, Ponies, Donkeys, Cows).

(i) The keeping of one pig, horse, pony, donkey, cow, or similarly-sized animal is permitted on a lot of 80,000 square feet or greater. One additional horse, pony, donkey, cow, or similarly-sized animal may be kept for each 40,000 square feet by which the lot exceeds 80,000 square feet, up to a maximum of fifteen horses, ponies, donkeys, cows, or similarly-sized animals.

(ii) Any building in which a pig, horse, pony, donkey, cow, or similarly-sized animal is kept shall meet the greater of 100 feet from a property line or the minimum yard setback requirements of the underlying zoning district.

(iii) Any boarding of any pig, horse, pony, donkey, cow, or similarly-sized animal for compensation shall require a conditional use permit from the Planning Board and shall not be considered an accessory use permitted by right.

(c) Counting of Animals. The counting of hoofed mammals for the purposes of this section shall be cumulative, such that the maximum number of animals on a property shall not exceed maximum number of a single animal type as described under subsections (a) and (b) above.

Animal Type	Minimum Lot Size	Number of Animals Per Minimum Lot Size	Number of Animals Per Additional Square Feet	Maximum Number of Animals
Goats / Sheep / Llamas / Alpacas	40,000	1	1 per 20,000 SF	15
Horses / Pigs / Ponies / Donkeys / Cows	80,000	1	1 per 40,000 SF	15
NOTE: A property owner may have a maximum 15 hoofed mammals regardless of animal size or species.				

(4) Baby Animals. Offspring of animals (animals less than six months of age) are not counted against the total number of animals permitted to be kept on residential properties under subsections (1) to (3), above.

(5) Enclosures. Any residential property on which animals are kept must be properly fenced to prevent the animals from escaping the property, or the animals must be contained in a suitably-sized and appropriately maintained structure.

C. Animal Waste.

(a) Chickens and poultry. No animal waste or substance which produces noxious or offensive odor or dust shall be stored or permitted to accumulate within 35 feet from any lot line and 35 feet from any street, wetland, lake or stream, or within the minimum yard setback requirements of the underlying zoning district, whichever is greater. The animal waste storage area shall not create any offensive odors nor attract or harbor vermin, rodents, flies or other animals, and shall be subject to the approval of the Planning Board.

(b) All other animals. No animal waste or substance which produces noxious or offensive odor or dust shall be stored or permitted to accumulate within 100 feet from any lot line or within the minimum yard setback requirements of the underlying zoning district, whichever is greater, and 50 feet from any wetland, lake or stream. The animal waste storage area shall not create any offensive odors nor attract or harbor vermin, rodents, flies or other animals, and shall be subject to the approval of the Planning Board.

(c) Enforcement. The Building Inspector or Code Enforcement Officer shall retain the right to inspect the animal waste storage facility at any time due to improper handling or odor problems. If the Building Inspector or Code Enforcement Officer determines that a problem does exist, he or she shall so notify the owner in writing and the owner must commence steps to rectify the situation within a timely fashion but not to exceed 30 days. If the problem is not rectified in a satisfactory manner, the Building Inspector or Code Enforcement Officer may commence criminal proceedings against the owner or other person(s) responsible for such violation(s) and, upon a conviction thereof, such owner or other responsible person shall be liable for any and all fines and/or penalties applicable to violations of this chapter.

D. Existing Animals.

(a) In the event that, at the time of the Introduction of this Local Law, an owner or occupant of a residential property has a number of animals in excess of the provisions listed above, provided that the animals are not a nuisance and are kept in sanitary conditions, the owner of said animals shall be permitted to keep the animals at the time of the Effective Date of this Local Law until such time as they die, are given away, or are lost. However, no additional animals shall be permitted to be

kept on the residential property if doing so would bring the total number of animals above that permitted under the provisions above. It is owner's burden to prove that said animals were maintained on the residential property prior to the date of Introduction of this Local Law.

Chapter 138, Attachment 3, Column E is amended, to read as follows:

1. The leasing of rooms and/or furnishing of a board in a dwelling unit to a total of not more than 2 persons, provided that the person leasing the rooms and/or furnishing board shall reside in the dwelling unit.
2. Any commercial greenhouse or commercial activities involving the keeping of farm animals shall be permitted on a lot of five acres or more. Any greenhouse or building in which such animals are kept shall not extend within less than 200 feet of any property or street line.
3. The keeping of animals in accordance with § 138-23.1 "Keeping of Animals".
4. The keeping of a reasonable number of customary household pets but excluding the commercial boarding of the same. Customary household pets shall not be kept in such a manner as to create unsanitary conditions or constitute a nuisance.
5. Noncommercial nurseries for the private use of the owner of said nursery and not for the production of goods for sale.
6. Accessory to a 1-family residence or agricultural use are the following private structures: barns, silos, garages, tennis courts, swimming pools and other similar structures.
7. Accessory to a 1-family residence: outside storage of not more than 1 unoccupied recreational vehicle or boat and trailer, not exceeding 35 feet in length.
8. The parking of not more than 1 commercial in a residential zone. Such vehicle shall not exceed 10,000 pounds as indicated on a valid state registration, nor shall such vehicle be more than 25 feet in length. Any commercial vehicle other than this one exception shall be parked in a garage. There shall be no parking of commercial vehicles except as prescribed herein. Exception: More than 1 commercial vehicle is permitted during active work performed under permit by the town, Putnam county and/or state of New York.
9. Accessory parking subject to Column F.
10. Any building, stand or structure for the sale of farm products not exceeding 150 square feet.
11. Accessory loading.
12. Storage goods, equipment, raw materials or products accessory to any permitted use, screened from all property lines.
13. Signs as permitted by the Sign Ordinance of the Town of Southeast.
14. Private utilities.

(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. 6 of 2023 of the (County)(City)(Town)(Village) of SOUTHEAST was duly passed by the TOWN BOARD on April 27, 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**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 disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

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 disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (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 was (approved)(not approved) (repassed after 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 chairperson 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 _____ 20____, 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.

Michele Stancati

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4/27/2023

(Seal)