

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

4-4-2018

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 Canandaigua

**DRAFT**

Local Law No. \_\_\_\_\_ of the year 20<sup>18</sup>

A local law Amendment to Chapter 79 (Animals) Modify and Clarify Regulations Regarding  
(Insert Title)  
Residential Keeping of Chickens and Ducks

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

County  City  Town  Village  
(Select one:)

of Canandaigua \_\_\_\_\_ as follows:

(see attached)

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

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TOWN OF CANANDAIGUA  
DRAFT -- LOCAL LAW # \_\_\_ OF 2018

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**ATTACHMENT "A"**

**SECTION ONE.** Town of Canandaigua Town Code Chapter 79, Article IV shall be replaced in its entirety with the following:

**§ 79-17. Title.** This article shall be known and may be cited as the "Limits for Keeping of Chickens and Ducks on Residential Sites."

**§ 79-18. Applicability.** This article shall apply to all lands within the Town of Canandaigua, but not to agricultural uses as defined in § 1-17 of this Code.

**§ 79-19. Keeping of Chickens and / or Ducks.** Unless otherwise prohibited, chickens and/or ducks may be kept on any single family residential site subject to the following standards and regulations.

- A. Up to six (6) total domestic hens or ducks may be kept.
- B. Roosters are prohibited on properties zoned and occupied only for single family residential use.
- C. No person shall slaughter any chicken or ducks within Town limits, except for humane purposes.
- D. Chickens or ducks shall be provided with a covered inside enclosure and an adjacent outside fenced area. The outside fenced area shall not be less than 40 square feet in area.
- E. The enclosure and adjacent fenced area shall be set back:
  - (1) At least thirty (3) feet from any adjacent occupied residential structure, other than that of the owner; but
  - (2) Not less than the minimum property line setback required for accessory structures in the applicable zoning district.
- F. All enclosures shall be constructed and maintained in such a manner as to be free of rodent infestation.
- G. A building permit shall be required for all enclosures. The permit fee shall be the same as for an accessory structure.

- H. Electric service to enclosures shall not be provided by an extension cord or cords.
- I. All chickens and/or ducks shall be kept in the enclosure and fenced area at all times.
- J. All feed and other items that are associated with the keeping of chickens or ducks that are likely to attract or to become infested with rats, mice, or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with said feed or other items.
- K. All chickens or ducks shall be kept in the rear yard.
- L. All areas where chickens or ducks are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste, and free of odors detectable on adjacent properties. Such accumulation of waste or such detectable odors are hereby declared a nuisance and it shall be unlawful for any person to allow such nuisance to exist.
- M. No person shall allow chickens or ducks to produce noise loud enough to disturb the peace of persons of reasonable sensitivity. Such noise is hereby declared a nuisance and it shall be unlawful for any person to allow such nuisance to exist.
- N. Chickens and/or ducks may not be kept on any parcel located within a PUD Planned Unit Development District.

**§ 79-19.1. Conflict With Private Covenants.** Nothing in this Article shall be construed as to permit the keeping of chickens or ducks when such activity is prohibited by private covenants, conditions, or restrictions governing the use of property, or by rules, regulations, or orders issued by the State of New York Department of Public Health or the Ontario County Health Department.

**§ 79-19.2. Enforcement and Penalties.**

- A. **Enforcement Officers.** The provisions of this article may be enforced by the Town of Canandaigua Code Enforcement Officer or the Town of Canandaigua Zoning Officer.
- B. If a violation of this Article is found to exist, the Code Enforcement or Zoning Officer shall notify, in writing, the persons responsible for such violation(s), indicating the nature of the violation, the actions required to correct such violation, and the time within such corrective action must be taken.
- C. The Zoning Officer and the Code Enforcement Officer are hereby authorized and empowered to issue appearance tickets for violations of this Article. For the

purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- D. Injunctive Relief.** An action or proceeding may be instituted in the name of the Town of Canandaigua, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce any provision, of, this Chapter,
- E. Remedies Not Exclusive.** No remedy or penalty specified in this Chapter shall be the exclusive remedy available to address a violation of this Chapter, and each such remedy or penalty specified in this Chapter shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties available. The Town specifically reserves the right to request judicial intervention from any court of competent jurisdiction for injunctive relief, fines, or imprisonment.
- F. Penalties.** Any person convicted of any violation of this Article shall be punished by a fine of not less than \$50.00 but not to exceed \$150.00, or by imprisonment for a term not to exceed fifteen (15) days, or both such fine and such imprisonment. Any subsequent violation of this Article by such offender shall, upon conviction, be punished by a fine of not less than \$250.00, but not to exceed \$500.00, or imprisonment not exceeding six (6) months, or both such fine and such imprisonment.

**SECTION TWO. Partial Invalidity.** If any provision of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the provision, person, or circumstance directly involved in the controversy in which said judgment shall have been rendered.

**SECTION THREE. Effective Date.** This Local Law shall take effect immediately upon filing with 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.)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>18</sup> of the (County)(City)(Town)(Village) of Canandiagua was duly passed by the Town Board on \_\_\_\_\_ 20<sup>18</sup>, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20<sup>□□</sup>, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* 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 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 \_\_\_\_\_ above.

(Seal)

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

Date: \_\_\_\_\_

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