

CHAPTER 112 -- FARMING¹

Article I -- General Provisions

§ 112-1 Legislative intent; purpose.

- A. The Board of Trustees of the Village of Round Lake finds that farming is an essential activity within Round Lake.
- B. Farming, as defined herein, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Village emphasizes to newcomers that this Village encourages its agriculture and requests newcomers to be understanding of the necessary day-to-day operations.
- C. It is the general purpose and intent of this chapter to maintain and preserve the rural tradition and character of Round Lake, to permit the continuation of agricultural practices, to protect the existence and operation of farms and to encourage the initiation and expansion of farms and agricultural businesses.
- D. For the purpose of reducing future conflicts between farmers and non-farmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices.

§ 112-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL PRACTICES - All activities conducted on a farm necessary to the operation of a farm.

FARM - Includes livestock, dairy, poultry, fur-bearing animals, aquiculture, apiculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities. Special provisions related to poultry are set forth in §§112-10 et seq.

§ 112-3 Right to undertake agriculture practices.

Farmers, as well as those employed, retained or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Village of Round Lake at any and all such times and all such locations as are reasonably

¹ [HISTORY: Adopted by the Board of Trustees of the Village of Round Lake 8-21-1996 by L.L. No. 2-1996.]

necessary to conduct the business of farming. For any activity or operation, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry, as well as to advances resulting from increased knowledge and improved technologies.

§ 112-4 Notice to prospective neighbors.

The following notice shall be included in building permits and on plats of subdivisions submitted for approval pursuant to Town Law § 276 or Village Law § 7-728: "This property may border a farm, as defined in Village Local Law No. 2-1996. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration."

Article II -- Keeping of Chickens

§ 112-10 Legislative intent; purpose.

The Village Board of the Village of Round Lake 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 may cause nuisances to nearby residential properties and can create conditions which are unsanitary and unsafe. Therefore, it is the intent of the Village Board, pursuant to Article IX of the New York State Constitution, Article 18 of the General Municipal Law and §§ 10 and 20 of the Municipal Home Rule Law of New York State, to permit and regulate the keeping of Hens within the Village of Round Lake. This Article allows the keeping of small flocks of hens, subject to permit, by residents of single-family dwellings in parcels zoned RV1 and RV2.² The conditions imposed by this Article are intended to facilitate the harboring of hens in a manner that is consistent with the residential character of the Village and so as to not cause or contribute to nuisances or pollution or otherwise adversely impact neighboring property owners in any way.

§ 112-11 Definitions

CHICKEN - A domestic fowl kept for its eggs or meat.

CHICKEN RUN - An outdoor area that is enclosed on all sides, including the top, by fencing, and which is attached to or surrounding a chicken coop. A Run shall have a doorway or hatch that allows chickens to access the space.

COCK - A male chicken.

² See §180-4(A)&(B).

CODE ENFORCEMENT OFFICER (CEO) - The Village of Round Lake Code Enforcement Officer.

COOP - A structure that is designed to house Chickens and is enclosed on all sides by a roof, doors, and walls with or without windows, whether stationary, mobile or portable.

HEN - A female chicken.

NEIGHBOR - An adjacent Property Owner.

PROPERTY OWNER - Person with fee title or a leasehold to a parcel of real property.

RUN - An enclosed area for chickens to roam and eat.

VILLAGE - The Village of Round Lake.

VILLAGE BOARD - The Board of Trustees including the Mayor.

§ 112-3 Permit.

It shall be unlawful for any person, association, group or organization within the limits of the Village to keep Chickens without a permit in zoning districts RV-1 and RV-2. Cocks are prohibited in zoning districts RV-1 and RV-2. Permits are non-transferrable.

§ 112-4 Permit application and approval process.

- A. Any person, association, group or organization applying for a permit to keep Hens within an RV-1 or RV-2 District must submit a completed "Harboring of Hens Permit Application" to the Village Code Enforcement Officer.
- B. The "Harboring of Hens Permit Application" shall include a provision that delivery of the Application to the Village together with the required fee constitute consent to the Code Enforcement Officer to go upon the subject parcel from time-to-time for the purpose of checking compliance with the conditions of any permit issued to the Property Owner. Applications submitted by lessees must contain the consent of the fee owner (lessor).
- B. Together with the "Harboring of Hens Permit Application," the Property Owner shall submit:
 - (1) An up-to-date survey, except that the CEO has discretion to accept an older survey if her or she determines that it accurately locates the existing structures, distances and borders. An accurate diagram of the real property upon which a Coop is to be

located, and in which the Run may be located. This diagram must clearly show all measurements pertaining to size of Coop and Run, the required setbacks to property lines for the Coop, and the distances to adjoining structures and dwellings. The same diagram or a second diagram must depict the subject parcel in its current configuration if the survey does not.

- (2) The written consent of all Neighbors to the keeping of Hens pursuant to this Article. This requirement may be waived by the Village Board for good cause shown, or by the CEO with any appeal heard by the Village Board.
 - (3) A statement affirming that a copy of this Chapter has been delivered to all Neighbors.
- C. An application fee, in an amount prescribed by resolution of the Village Board, shall be charged. Upon payment of the application fee, the Code Enforcement Officer, who shall review the same and if it is complete shall arrange for a site inspection of the real property.
 - D. A permit allowing Hens to be kept may be issued by the Code Enforcement Officer if he or she determines that the proposed Coop and Run as located meet the requirements of this Article and the Village Code. Hens may not be located in the Coop or Run until a permit has been issued.
 - E. The permit shall valid for a period of one year.

§ 112-5 Permit conditions.

- A. Hens may be kept only a parcel or real property of $\frac{1}{4}$ acre or larger improved by a single-family dwelling. The Coop and Run must adhere to all set-back requirements. In the event the Run is movable, each location in which it is placed shall adhere to set-back requirements.
- B. Hens are permitted only within a Coop or Run, and shall not occupy any other space.
- C. There may be no more than six Hens located on a lot within the RV-1 or RV-2 Districts unless the subject parcel is larger than two acres.
- D. Commercial (for-profit) operations are prohibited. The sale of eggs and Hens on the property is not permitted.
- 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, pests or vermin.
- G. Hen manure and bedding must be managed so as to minimize odors and not attract rodents and pests. The on-site accumulation of treated or untreated Hen manure is prohibited.

§ 112-6 Coop and Run 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 provide not less than four square feet of space for each Hen.
- C. A Run shall provide not less than 10 square feet of space for each Hen. Runs shall be securely fenced.
- D. Coops and Runs may only be located in the rear or side yard of the subject real property, and in consultation with the CEO. Coops must be at least 35 feet from any adjoining property's attached structures used for human activities. This includes structures directly attached to the occupied structure such as decks, patios, garages, and porches, but not freestanding structures such as swimming pools, outbuildings, detached garages, and non-attached decks or patios.
- E. The Coop 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 in violation of this provision may result in revocation of the permit.
- F. The Coop and Run must be structurally sound and in good repair.

§ 112-7 Education program.

Educational literature shall be provided by the Village with the application materials.

Samantha will add Chicken Tips...

§ 112-8 Enforcement and permit revocation.

- A. The receipt of a written complaint of noncompliance with this Article by the CEO shall result in a site visit by the Code Enforcement Officer and an inspection of the property to determine if there exists a violation of the permit.

If the Code Enforcement Officer determines that a violation exists, the permit holder shall be notified of the nature of the violation and shall have up to 30 days in which to correct the violation. Failure to correct the violation within the time provided may result in the revocation of the permit and the removal of the Hens.

- B. The following violations or conditions may result in an immediate revocation of a permit in the discretion of the Code Enforcement Officer:
- (1) Hens are found outside of the Coop or Run;
 - (2) A violation of this Article which, in the determination of the Code Enforcement Officer, constitutes a public nuisance exists;
 - (3) Predators or vermin are regularly on or visiting the subject property or immediately surrounding area; or
 - (4) The Hens have been abandoned.
- C. 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. Every week that the violation continues shall constitute a separate and additional violation.