

TOWN OF ULSTER

Local Law No. _____ of 2015

A Local Law Providing for the Adoption of an Animal Husbandry Law for the Town of Ulster

Be it enacted by the Town Board of the Town of Ulster as follows:

Section I. Article XVII of Chapter 190 of the Town Code is hereby enacted as appears in Schedule “A” attached hereto.

Section II. Severability

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

Section III. Effective Date

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

SCHEDULE “A”

Article XVI – Animal Husbandry

Section 190-70.

- A. “Animal husbandry” is hereby defined as the keeping, grazing, feeding, and care of animals shall be permitted as a use permitted by right with site plan review on improved lots pursuant to the Schedule of District Regulations.
- B. This Article of the Town Code will restrict the keeping of horses, farm animals and fowl in the Town’s R-10 and R-30 residential zoning districts only. This Article does not apply to active farmland and agricultural operations.
- C. The following are exempted from regulation under this Article, are permitted by right, and do not require a permit:
 - (1) The keeping of customary household pets; (Dogs & Cats)
 - (2) The keeping of animals in conjunction with a farm operation, as defined herein;
 - (3) The keeping of animals by individuals involved in 4-H project(s), provided that the proof of 4-H endorsements thereto or membership thereof submitted to the Code Enforcement Officer.

D. Animal Husbandry shall conform to the following standards:

- (1) Animals shall in all instances be adequately sheltered, fenced and otherwise maintained in a sanitary manner. Handling, storage, disposal or removal of all animal waste shall be done to ensure minimum impact on the environment and to avoid any impact on neighboring residences, where from odor, associated pests or water runoff. Such animal waste shall be stored at a distance in accord with any applicable laws from any wells, residences or wetland or watercourse buffer,
- (2) Storage of fertilizer, manure or pesticide shall take place no closer than 100 feet from any street or property line if unenclosed or 50 feet if in a fully enclosed structure,
- (3) It is recommended livestock should be stocked at one Animal Unit per acre. An Animal Unit is equivalent to a 1,000 lb. non-lactating cow,
- (4) Adequate acreage exists for proper care and feeding of animals as per table below:

1. Rabbits – no minimum acreage requirements if rabbits are kept in hutches.
2. Sheep, Goats – Maximum 5 adult animals per acre.
3. Alpacas and Llamas – Maximum 6 llamas and adult alpacas per acre
4. Pigs – Finishing/market hogs (235 to 270 lbs.) - Maximum 4 head per acre. Adult pigs (300-500 lbs.) – Maximum 3 head per acre. One or two sows with litter per acre.
5. Cattle – 1 adult animal per acre.
6. Horses – 1 adult animal per acre.
7. Miniature equine – Maximum 4 adult per acre
8. Mink, Raccoons – 10 animal/two acres to not exceed 10% of the lot area

Section 190-71.

- A. Animal husbandry on property not meeting the minimum lot size requirements stated above and the keeping, breeding and raising of fowl shall be permitted only upon Site Plan approval obtained from the Planning Board. Such application shall be classified as a Type II action with regard to SEQRA. The Site Plan application fee shall be waived; however, the applicant shall be responsible to reimburse the Town for the actual incurred costs from the engagement of professional consults and public hearings in connection with an animal husbandry application. The Planning Board shall review the specific circumstances of the property in the following matter and shall attach reasonable conditions to any approval.

1. Application requirements. Applicants shall submit a sketch plan as per §140-45 showing locations of animal pens, fields, barns, fences, water sources, and manure piles in addition to all other natural features and

improvements on the site. The applicant shall submit a narrative detailing the quantity and types of animals and any other such pertinent information to the application.

2. The Planning Board may refer all applications to a qualified consultant such as Cornell Cooperative Extension, the Society for the Prevention of Cruelty to Animals, or the New York State Agriculture and Markets Department for review to determine the maximum numbers and types of animals for incorporation as a condition of Site Plan approval.

B. Poultry farming on residential properties in the R-10 and R-30 residential zoning districts are subject to the following requirements:

1. No more than six (6) hens shall be allowed per single-family detached dwelling property.
2. No hens shall be permitted within multi-family complexes, including duplexes.
3. Hens must be kept in a secure henhouse or chicken pen area.
4. Hens shall be secured within the henhouse during non-daylight hours,
5. Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor or other adverse impact.
6. Henhouses, pen areas or other enclosures for poultry shall not be located in the front yard.
7. Roosters shall not be allowed on residential properties in the R-10 and R-30 residential zoning districts.

C. Poultry farming on non-residential properties in the R-10 and R-30 residential zoning districts are subject to the following requirements:

1. Storage of fertilizer, manure or pesticide shall take place no closer than 100 feet from any street or property line if unenclosed or 50 feet if in a fully enclosed structure,
2. All buildings and storage facilities containing fowl or litter shall be no closer than 150 feet from all street or lot lines,
3. Preparation of a waste management plan that should include the following items, but is not restricted to,
 - a. disposal of dead poultry,
 - b. management and disposal of poultry litter,
 - c. management and disposal of sludge or other products produced by the operation that must be stored in a tank or suitable container until removed, and
 - d. location of buildings, tanks and other related structures used for storage and are accessory to the poultry farming operation.
4. Roosters shall not be allowed on non-residential properties in the R-10 and R-30 residential zoning districts.

- D. Animal husbandry in practice before the adoption of this zoning code shall be deemed a nonconforming use with respect to these minimum size lot requirements, with the exceptions of roosters. Any roosters located on parcels in the in the R-10 and R-30 residential zoning districts shall be removed from the parcel within 30 days from the date of adoption of this local law.
- E. This local law may be enforced by the Town of Ulster Code Enforcement Officer, his/her designees, or by the Town of Ulster Police Department.