

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

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.

FILED
STATE RECORDS
JUL 23 2021

Town of Homer

DEPARTMENT OF STATE

Local Law No. 2 of the year 2021.

A local law A local law to amend the zoning law to allow the raising of chickens in the Residence District without any town permits provided that certain conditions are met

Be it enacted by the Town Board of
the _____

Town of Homer as follows:

Section 1.

The Homer Town Board finds that the raising of chickens has become a popular activity in some residential areas. The purpose of this local law is to eliminate the requirements for a special use permit and/or an area variance in situations where this activity is unlikely to have an adverse effect on the neighborhood.

Section 2.

The Town of Homer Zoning Law, Article V, Section 503 Entitled "Permitted Accessory Uses," is hereby amended to add the following:

The raising of poultry for on premises consumption is a use that is allowed by right provided that it is done in compliance with the requirements set forth in Article XIV below.

Section 3.

Article XIV, entitled Supplemental Regulations, is amended to add a new Section 1419 as follows:

Section 1419 RAISING POULTRY FOR ON PREMISES CONSUMPTION

The raising of poultry, including chickens, ducks and other fowl in the Residence District does not require any permits or approvals provided that the following conditions are met:

- A. The poultry and eggs are for the personal use or consumption of the residents of that property only.
- B. There are no roosters unless the roosters are kept at least 250 feet from any neighboring residence. Keeping roosters less than 250 feet from neighboring residents requires an area variance obtained from the zoning board of appeals.
- C. The poultry is not allowed to roam free and is confined by an agricultural type fence.
- D. Any accessory buildings containing poultry are kept at least 15 feet from any property line where such property is used for residential purposes.
- E. Health Department and NYS Agriculture and Markets requirements are met, including proper removal of litter and carcasses.

Section 4.

In order to correct a numbering error, Section 1416 entitled "SOLAR ENERGY SYSTEMS" is renumbered to be Section 1418.

Section 5.

This local law shall take effect immediately upon being filed by the 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.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 21 of the ~~(County)~~(City)(Town)(Village) of Homer was duly passed by the Town Board on July 7, 20 21, 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.

Deahter M. Hill
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/14/2021

(Seal)