

TOWN OF HURLEY
LOCAL LAW NO. __ OF THE YEAR 2022
A LOCAL LAW AMENDING CHAPTER 210
OF THE TOWN OF HURLEY CODE TO ALLOW
KEEPING OF CHICKENS AND BEES

BE IT ENACTED by the Town Board of the Town of Hurley as follows:

SECTION 1. AMENDMENT OF CHAPTER 210

Chapter 210 is hereby amended by the adoption of the following section 210-27:

Section 210-27 Keeping of Chickens and Bees

A. Keeping of Chickens. To facilitate public understanding, to avoid potential impacts on neighboring properties and to provide for the health and welfare of the chickens, the keeping and raising of chickens in R-1 and R-2 residential zones for personal use is permitted with the following restrictions:

1. The minimum lot size for keeping of chickens is 0.75 acre.
2. No more than 6 hens may be housed on a lot at any time.
3. No roosters, guinea hens or peacocks are permitted.
4. Sale of eggs, chickens and manure is not permitted, except for the incidental sale of eggs.
5. Chicken coops shall be set back a minimum of 50 feet from the lot line and shall be enclosed on all sides and roofed, with adequate ventilation and room for perching.
6. Feed shall be stored in a dry container.
7. Manure shall be stored and removed in a sanitary manner. Any manure composting pile shall be set back a minimum of fifty feet from any wellhead, lot line, stream or other body of water. The pile shall be mixed with lime and leaves or vegetation and covered with an earth-colored tarp to prevent over wetting from rain that causes excessive odors. If the presence of chicken manure leads to excessive odors or unsanitary conditions, such as the attraction of pests, insects or rodents, permission to keep chickens may be revoked by the Code Enforcement Officer.
8. The area set aside for exercise shall be adequately fenced to contain the chickens to the owner's lot so as not to create a nuisance to nearby property owners or a safety hazard.

B. Keeping of Bees. To facilitate public understanding, to avoid potential impacts on neighboring properties and to provide for the health and welfare of the bees, the keeping of bees in R-1 and R-2 residential zones for personal use is permitted with the following restrictions:

1. Hives shall be set back a minimum of twenty feet from the lot line.

2. Hives shall be located between the back of the residence and the rear lot line and shall not be visible from a public right of way.
3. Hives shall be screened so the bees must fly over a six foot barrier, which may be vegetative, or shall be placed at least eight feet above adjacent ground level.
4. When there is evidence of disease, the hive shall be treated to avoid spreading the disease to other neighboring hives.
5. Any colony exhibiting unusually defensive behavior or an excessive swarming tendency shall be re-queened as soon as possible.
6. All bee colonies shall be kept in inspectable hives consisting of moveable frames.
7. Hives shall be continually managed to provide adequate living space for their resident bees to prevent swarming.
8. A water source shall be provided on the lot to prevent the bees from migrating to water sources on adjacent public or private property.
9. The beekeeper shall limit the number of hives to a reasonable and manageable number, taking into consideration the size of the lot, the distance to the nearest neighbor, the size of the hives and the types of bees.

SECTION 2. AMENDMENT OF CHAPTER 210, ATTACHMENT 1, SCHEDULE OF USE REGULATIONS

Chapter 210, Attachment 1, Table of Use Regulations, is hereby amended by:

the addition of “Keeping of Chickens and Bees” to the list of General Uses immediately following the entry for “Agriculture (including the keeping of fowl or farm animals)”;

adding the following footnote, “Keeping of chickens and bees are uses permitted by right subject to the standards and requirements set forth in Section 210-27; and

entry of the letter “P” for all zoning districts.

SECTION 3. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION 4. CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 5. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

SECTION 6. EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

Adopted: _____, 2022