

LOCAL LAW # 2 OF 2020

A LOCAL LAW AMENDING THE "CODE OF THE TOWN OF WHITESTOWN AT
CHAPTER 200 ENTITLED "THE TOWN OF WHITESTOWN'S ZONING
ORDINANCE OF 1980"
(LOCAL LAW NO. 1 OF 1981)

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WHITESTOWN,
AS FOLLOWS:

SECTION I. Purpose:

Pursuant to Section 200-39 of the Code of the Town of Whitestown the Town Board desires to amend "The Town of Whitestown Zoning Ordinance of 1980" pursuant to the Municipal Home Rule Law and Section 265 of the Town Law. Specifically, the purpose of this Local Law is to provide appropriate standards and regulations for keeping chickens for non-commercial purposes within a residential environment. The Local Law establishes standards and limitations so as to avoid adverse impacts on neighboring properties and residents, and to provide for the health and safety of the chickens.

SECTION II. Amendments to Town of Whitestown Zoning Ordinance:

The following amendments are hereby adopted with respect to the Town of Whitestown Zoning Ordinance (Local Law No. 1 of 1981):

1. **Section 200-3** entitled "Definitions; word usage" be amended to include the following definitions:

CHICKEN – for the purpose of this code, a chicken (Gallus domesticus) refers only to a female chicken.

COOP – the covered house, structure or room that is required in order to provide chickens with shelter from the weather and with a roosting area protected from predators.

CHICKEN ENCLOSURE – means a fenced (or wire) area, or pen, required in association with a coop in order to provide an outside exercise area for the chickens free from predators, and of a size that allows for access to a foraging area, sunlight, etc.

REPEAT VIOLATION – shall mean a violation of the provision of a code or ordinance by a person who has been previously found, through a code enforcement special magistrate or any other quasi-judicial or judicial process, to have violated, or who as admitted violating, the same provision within five years prior to the violation, notwithstanding that the violations may occur at different locations. For the purposes of this definition, a plea of “No Contest” or “Nolo Contendere” shall be deemed an admission of a violation.

2. **Section 200-30** is hereby amended to read as follows:

“300-30 CHICKENS

- A. General Conditions for the keeping of chickens in the R-200, R-100, R-80 Residence Districts.
- (1.) Up to 4 chickens are allowed to reside on an occupied single-family property within the R-200, R-100, R-80 Residence Districts, zoning districts. Chickens may not be kept on duplex, triplex or multifamily properties. Chickens are allowed within manufactured home subdivisions, but are not allowed within mobile home/manufactured home parks. These regulations shall not apply to licensed agricultural farms.
 - (2.) Chickens must be kept on the owner’s property at all times.
 - (3.) No ducks, geese, turkeys, peafowl, or male chickens or roosters, or any other poultry or fowl may be kept under the provisions of this Section.
 - (4.) Chickens shall be kept for personal use only. The selling of chickens, eggs or chicken manure, or the breeding of chickens for commercial purposes is prohibited,
 - (5.) The slaughtering of chickens on premises is not allowed.
 - (6.) The coop and enclosure must be screened from the neighbor.

B. Location and Requirements for Chicken Coops and Enclosures in the R-200, R-100 and R-80 Residence Districts.

- (1.) Any chicken coop and fenced enclosures must be located in the rear yard. No coop, enclosure or chickens shall be allowed in any front or side yard. (Corner lots shall be excluded from the side setback restrictions).
- (2.) The coop and enclosure must be a minimum of 10 feet from the rear and side property line.
- (3.) If the coop structure exceeds 100 square feet in size (10 foot by 10 foot), a building permit is required to be obtained from the Building Inspector/Codes Officer from the Town.
- (4.) The coop shall be covered and ventilated, and a fenced enclosure or run is required. The **coop** and enclosure must be completely secured from predators, including all openings, ventilation, holes, doors and gates (fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators).
- (5.) All stored feed must be kept in a rodent and predator-proof container.
- (6.) The coop shall provide a minimum of three square feet per chicken and be of a sufficient size to permit free movement of the chickens. The coop may not be taller than six (6) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance.

C. Health, Sanitation and Nuisance as applied to the keeping of chickens in the R-200, R-100 and R-80 Residence Districts.

- (1.) Chickens shall not be permitted to trespass on neighboring properties, be released or set free [and shall be kept within a **coop** and enclosure].

- (2.) Chicken coops and enclosures shall be maintained a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute or any other nuisance condition.

D. Enforcement.

- (1.) Enforcement regarding the keeping of chickens within any zoning district is addressed within Section 200-45 of this Chapter.
- (2.) No person convicted for repeat violations of Section 300-30 of the Code may be permitted to, or continue to, keep chickens on their premises.

E. Severability

If any section, sentence, clause, phrase or word of this Local Law is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this local law, and it shall be construed to be the legislative intent to pass this Local Law without such unconstitutional, invalid or inoperative part therein.

3. Section 200-26 entitled "Accessory buildings;

Number, height and location and subdivision "A" thereof are hereby amended and modified to read as follows:

"§ 200-26 Accessory Structures; number, height and location.

- A. Number. There shall be not more than one accessory structure on each lot intended or used for residential purposes, except that dwelling groups and large scale planned development districts shall not be subject to such provisions."

4. Schedule A as incorporated into the Zoning Law of the Town of Whitestown at Section 200-25 A. is hereby amended so as to provide minimum yard dimensions of ten (10) feet on each side and rear for all accessory structures over 144 square feet within all residence (R-80, R-100 and R-200) zoning districts.

SECTION III. Effective Date:

This local law shall take effect upon the filing in the Office of the Secretary of State.

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

December 10, 2020

Mary E Finegan
Town of Whitestown
8539 Clark Mills Rd
Whitesboro NY 13492

RE: Town of Whitestown, Local Law 2 2020, filed on December 7 2020

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Dated: July 15, 2020

Adopted: July 15, 2020

RESOLUTION - AMENDMENTS TO ZONING LAW /
REGULATIONS OF CHICKENS

WHEREAS, in connection with a further review of Chapter 200 of the Code of the Town of Whitestown entitled “The Town of Whitestown Zoning Ordinance of 1980” (hereinafter “Zoning Law”), and in response to various issues that have arisen both before the Town Board, Planning Board and Zoning Board of Appeals, including, most notably, complaints concerning the absence of regulations with respect to harboring chickens and/or maintaining chicken coops, the codes enforcement officer and Town Attorney have proposed various amendments to be made to the Zoning Law as more particularly set forth in a proposed Local Law, a copy of which is attached hereto and made a part hereof; and

WHEREAS, pursuant to Section 200-40 of the Zoning Law, all proposed amendments, supplements or changes to the Zoning Law are to be referred to the Planning Board for report and recommendation; and

WHEREAS, the Town Board is of the opinion, based upon the advice and counsel received from the Town Attorney and its codes enforcement officer, that the suggested amendments to the Zoning Law would be in the best interests of the Town, and further, that the proposed regulations would address the issues that have been brought before the Board concerning the regulation of chickens and where they are harbored, and as such, the proposed Local Law should be referred to the Planning Board with the request that they provide a report concerning the proposed amendments;

NOW, THEREFORE, BE IT:

RESOLVED, that the proposed amendments to the Zoning Law as set forth in the proposed Local Law attached hereto and made a part hereof, be and the same are hereby referred to the Planning Board for the Town of Whitestown, with the request that the Planning Board provide a report and its recommendation with respect thereto, within forty-five (45) days.

STATE OF NEW YORK

County of Oneida

Patricia Zehr

county, being duly sworn, says she is the Principal Clerk of the Utica Observer-Dispatch the Publishers of (Observer-Dispatch), a daily newspaper printed and published in the city of Utica, County and State aforesaid, and that an advertisement of which the attached is a copy, cut from the columns of said paper has been regularly published in said paper on each of the following dates:

11/18/20

Patricia Zehr

Sworn to before me this

20 day of November 2020

Myself m. Howgate

NOTARY PUBLIC ONEIDA CO., N.Y.

of the City of Utica, in said

Michelle M. Howgate
Notary Public, State of New York
Qualified in Herkimer Co
Reg. No. 01H06161711
My Comm. Exp. 02/26/20

If bidders wish to purchase printed copies of the Contract Proposal Booklet, they may be obtained through Avalon. Only official planholders will be allowed to obtain printed copies of the Contract documents. Bidders responsible for review of all documents. Including all specification sections and drawings, regardless of how many drawings they print and in which format size they are printed. Full-size drawings are on 22" x 34" paper. Bidders acknowledge they are responsible for properly scaling drawings if they are printed at any other size. Bids must be submitted upon the proposal form(s) furnished in the Proposal Booklet and

LEGAL NOTICES

NOTICE TO CONTRACTORS FOR SAUQUOIT CREEK CHANNEL AND FLOOD PLAIN RESTORATION PROGRAM - PROJECT II TOWN OF WHITESTOWN ONEIDA COUNTY, NEW YORK

Sealed bids, subject to the conditions contained herein, will be received by the Town of Whites town, 8333 Clark Hillis Rd., Whitesboro, New York, 13492 until 11:00 AM local time on December 16, 2020, and then publicly opened and read aloud.

The project includes: the grading of a flood plain bench including plantings, stream bank stabilization, rock cross vanes, erosion and sediment control facilities, installation of five 48-inch diameter culverts under the CSX Railroad Tracks, and other miscellaneous work. The project is located on the west side of Sauquoit Creek north of Main Street, and north and south of the CSX railroad tracks in the Town of Whites town, Oneida County, New York.

The Contract Documents may be viewed and ordered through the Avalon Plan Room website at: www.avalonplanroom.com in the Public Bid section. If you do not have internet access or have questions on ordering from the site, please contact Avalon Document Services at (315) 724-5353. Drawings can be picked up at any of Avalon Document Services locations.

A non-refundable deposit of Thirty Dollars (\$30.00) payable to Avalon Document Services will be required to obtain the Proposal Booklet and an electronic version of the Contract Documents. Cash payments will not be accepted. The payment includes shipping of the Proposal Booklet and thumb drive to anywhere in the Continental United States via UPS or FedEx ground. Should potential bidders want expedited shipping they should include their UPS or FedEx account number with their plan room order, or be charged additional shipping at their expense. By submission of the \$30.00 non-refundable payment, bidder will be registered as an official planholder at Avalon official planholder.

LEGAL NOTICES

The Owner reserves the right to revise or amend the bidding documents prior to the date set for opening bids. Such revisions and amendments, if any, will be announced by addenda to this advertisement. Any inquiries regarding details on specifications must be directed in writing to O'Brien & Gere Engineers, Inc. Attn: Margaret Reilly, P.E. Project Manager, 101 First Street, 4th Floor, Utica, NY 13501, Email: Margaret.Reilly@ramboll.com. The Owner also reserves the right to waive any irregularity and reject any or all bids received.

The Town of Whites town, in order to promote its established Affirmative Action Policy regarding sealed bids and contracts applies to all persons without regard to race, color, national origin, age, sex or handicap.

This contract is subject to compliance with Article 8 of the New York State Labor Law and Federal Davis-Bacon Act regarding prevailing rate of wages.

No Bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof.

Only Bidders properly registered as plan holders by the Owner will be allowed to submit a bid.

A Prebid meeting will be held at 11:00 AM on Thursday December 3, 2020 via web conference. A web conference invite will be sent to registered bidders the morning of the meeting.

Mary Fitegan
Town Clerk
OD: 11/18/2020

STATE OF NEW YORK

County of Oneida

Patricia Zehr

country, being duly sworn, says she is the Principal Clerk of the Utica Observer-Dispatch the Publishers of (Observer-Dispatch), a daily newspaper printed and published in the city of Utica, County and State aforesaid, and that an advertisement of which the attached is a copy, cut from the columns of said paper has been regularly published in said paper on each of the following dates:

11/18/20

Patricia Zehr

Sworn to before me this

20 day of November 2020

Michele M. Howgate
NOTARY PUBLIC ONEIDA CO., N.Y.

of the City of Utica, in said

Michele M. Howgate
Notary Public, State of New York
Qualified in Herkimer Co
Reg. No. 01H06161741
My Comm. Exp. 02/26/20

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Mary Fitzegan
Town Clerk
OD: 1/18/2020

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW
TOWN OF WHITESTOWN**

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board for the Town of Whitestown at Whitestown Town Hall, at 8539 Clark Mills Road, Whitesboro, New York, at a regular meeting thereof held on the 2nd day of December, 2020 at 6:30 p.m., regarding a proposed local law to be adopted pursuant to Section 200-39 of the Code of the Town of Whitestown, and the applicable provisions of the Municipal Home Rule Law and the Town Law which would amend the "Town of Whitestown Zoning Ordinance of 1980" at section 200-30 so as to provide for appropriate standards and regulations for keeping chickens for non-commercial purposes within residential zoning districts.

PLEASE TAKE FURTHER NOTICE, that the environmental significance of the proposed amendments will be reviewed by the Town Board of the Town of Whitestown incident to and as part of said public hearing.

PLEASE TAKE FURTHER NOTICE, a copy of the local law is on file in the office of the Town Clerk for the Town of Whitestown where the same is available for public inspection during regular office hours.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF WHITESTOWN

Dated: Whitesboro, New York

November 18, 2020

TOWN OF WHITESTOWN

By _____
Mary Finnegan
Town Clerk

PLEASE TAKE FURTHER NOTICE, that all persons will be given an opportunity to be heard on said proposed Local Law at the place and time aforesaid.

(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 2020 of the (County)(City)(Town)(Village) of Town of Whitestown was duly passed by the Town Board on December 1 2020, 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 , 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 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)

Mary Ginegan
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/3/20

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.

County City Town Village
(Select one.)

of Whitestown _____

Local Law No. 2 of the year 2020

A local law amendments to zoninh law regulations of chickens, see attached
(Insert Title)

Be it enacted by the Town Board for the Town of Whitestown of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Whitestown _____ as follows:

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

December 3, 2020

NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231

To Whom it may concern, please accept this as Local Law #2, 2020 for the Town of Whitestown. "Local Law amending the code of the Town of Whitestown at chapter 200 entitled the Town of Whitestown Zoning Ordinance of 1980 Local Law 1 of 1981. Regulations of Chickens.

Sincerely,

Mary E. Finegan
Town Clerk
Town of Whitestown