

**TOWN OF LENOX  
LOCAL LAW NO. C-2023**

**A LOCAL LAW AMENDING CHAPTER 38 (“ANIMALS”)  
AND CHAPTER 134 (“ZONING”) OF THE TOWN OF LENOX CODE  
TO ESTABLISH RULES AND REGULATIONS FOR  
THE HARBORING OF HENS WITHIN THE TOWN OF LENOX ON  
RESIDENTIALLY OCCUPIED PROPERTIES OF LESS THAN 5 ACRES**

**BE IT ENACTED** by the Town Board of the Town of Lenox as follows:

**SECTION 1. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 2.**

Chapter 38 (“Animals”) of the Code of the Town of Lenox is hereby amended to include a new Article IV, titled “Harboring of Hens,” which shall read as follows:

**“ARTICLE IV Harboring of Hens**

**§38-22 Legislative Findings and Intent.**

The Town Board of the Town of Lenox hereby finds that the keeping of hens on residentially occupied properties of less than 5 acres and not otherwise deemed to be a farm operation, as defined by New York State Agriculture and Markets Law, 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 Town Board, pursuant to Article IX of the New York State Constitution, Article 18 of the General Municipal Law and Sections 10 and 20 of the Municipal Home Rule Law of New York State, to permit and regulate the keeping of hens within the Town of Lenox on certain residential parcels. This Local Law shall allow the harboring of small flocks of hens subject to permit, by residents of single-family dwellings on lots of less than 5 acres, which are not otherwise deemed to be farm operations under the New York State Agriculture and Markets Law. The conditions imposed by this Local Law are intended to facilitate the harboring of hens in a manner that is consistent with the residential character of the Town and so as to not cause or contribute to nuisances, pollution or otherwise adversely impact neighboring property owners in any way.

**§38-23 Definitions.**

**CODE ENFORCEMENT OFFICER** – Town of Lenox Code Enforcement Officer, or his/her duly authorized representative.

**COOP** – A permanent or mobile structure that is designed to shelter hens from the weather and predators.

**HEN** – Any female chicken.

**NEIGHBOR** – Any property owner or resident within 500 feet of the property to be affected by said appeal.

**RESIDENTIAL PROPERTY** - Property less than 5 acres and used primarily as a single-family residence.

**RUN** – An enclosed area for chickens to roam and eat.

**TOWN** – Town of Lenox.

**TOWN BOARD** – Town Board of the Town of Lenox.

**§38-24 Permit required.**

It shall be unlawful for any person, association, group or organization within the limits of the Town to harbor hens without first having obtained, paid for and having in force and affect, a valid, current permit on residential properties. Roosters (male chickens) are prohibited within the Town on residential properties. The requirements to obtain a permit pursuant to this Chapter shall not apply to farm operations as defined by the New York State Agriculture and Markets Law.

**§38-25 Permit application and approval process.**

- A. Any person interested in harboring hens within the Town limits on a residential property must submit a completed “Harboring of Hens Permit Application” to the Town Code Enforcement Office.
- B. With the “Harboring of Hens Permit Application,” the applicant shall submit:
  - 1. a scaled drawing, depicting the property in its current condition, all structures, fencing and the location of the proposed Coop and Run; and
  - 2. a written manure management plan.
- C. An application fee, as prescribed by resolution of the Town Board, shall be charged. Upon payment of the application fee, the completed application shall be provided to the Code Enforcement Officer, who shall arrange for a site inspection of the property.
- D. A permit allowing hens to be harbored may be issued by the Town Clerk upon confirmation by the Code Enforcement Officer that a site inspection of the property was performed, and adequate space exists for the proposed Coop and Run, and an acceptable manure

management plan has been ~~explained~~ submitted in writing. Upon issuance of a permit and payment of the permit fee, as prescribed by resolution of the Town Board, a follow-up inspection of the Coop, Run and manure management location shall be performed by the Code Enforcement Officer to confirm compliance with this Local Law.

- E. The permit shall initially be valid for a period of one year. Subsequent renewals of the permit shall be valid for a period of three (3) years.
- F. Any owner-occupied property with existing hens at the time of enactment of this local law shall be given a six (6) month amortization period to come into compliance with this Article, commencing with the time of permit application.

**§38-26 Permit conditions.**

- A. The harboring of hens shall only be permitted on an owner-occupied residential property with a single-family dwelling unit situated thereon. If the property for which the permit is requested cannot adhere to all Town building setback requirements and construction guidelines, as outlined in §38-27 of this Law, or if the property's lot size does not permit compliance with the dimensional requirements for the Coop and Run, then a permit shall not be granted or may be revoked.
- B. Hens must be kept in a Coop and a Run that complies with the requirements set forth in §38-27 of this Law.
- C. The maximum number of hens to be harbored shall, at no time, exceed:
  - 1. ~~18-15~~ on Residential Property which is 1 acre or less;
  - 2. ~~30-24~~ on Residential Property which is more than 1-1 acre but less than ~~2-9~~ 3.0 acres; or
  - 3. ~~40-38~~ on Residential Property which is ~~more than~~ at least 3 acres, ~~but less than 4.9~~ acres.

(Except for the three (3) month time period while hatched chicks mature to the laying stage.)

- D. Associated commercial operations are prohibited. The sale of hens on the property is not permitted.
- E. The outdoor slaughtering of hens is prohibited without proper containment of blood and feathers. Such containment will ensure a

system to prevent off-site observation of slaughtering from neighboring properties or streets.

- F. Feed for the hens must be kept in covered, fastened containers that cannot be accessed by rodents or pests.
- 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 except within the limited confines of an actively maintained composting area as approved in the permit application. Hens may not leave the premises for which they have been permitted.
- H. Plans for management and routine removal of manure must accompany the permit application.

**§38-27 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 be 2.5 square feet of space for each hen.
- C. A Run shall provide at least 5 square feet of space for each hen and shall be fenced.
- D. Coops and Runs may only be located in the rear yard of the property. They must comply with zoning district setback regulations for accessory structures.
- E. The Coop and Run shall be kept clean, dry and sanitary. Under no circumstances may an Owner permit odors to impact adjoining neighboring properties. The accumulation of hen manure and bedding may result in noncompliance of §38-26(G) and the revocation of the permit.
- F. The Coop and Run must be maintained and be kept structurally sound and in good repair.
- G. On parcels of less than 1 acre, a privacy fence or visual break must be in place to block the area of the Coop and Run from view of neighboring parcels.

**§38-28 Enforcement and permit revocation.**

- A. The receipt of a neighbor's written complaint shall result in a site visit by the Code Enforcement Officer and an inspection of the property to determine if there exists a violation(s) 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(s) and shall have 30 days to correct the violation(s). Failure to correct the violation(s) in the time provided may result in the revocation of the permit and the removal of the hens. If revoked property owner may never reapply for such use.

- B. In addition to a determination that the terms and conditions of a permit have been violated, a permit may be revoked for any of the following reasons:
1. hens are found outside of the Coop and/or Run while not under supervision of property owner;
  2. the Code Enforcement Officer determines that a public nuisance exists or there is a violation of this Chapter;
  3. predators or pests have become a nuisance to the property or surrounding area; and
  4. the Code Enforcement Officer determines that the hens have been abandoned.
  5. Manure is handled improperly as evidenced by odor on neighboring properties or observation of hen waste or feed run-off onto neighboring properties.
- 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; and every week (seven days) that said violation continues shall constitute a separate and additional violation.”

### SECTION 3

So that Section 134-50 of Chapter 134 (“Zoning”) of the Code of the Town of Lenox is hereby amended so as to read, in its entirety, as follows:

“§134-50      **Harboring of animals.**

No person shall own or harbor within the Town any animal except domesticated dogs and cats, rabbits, chicken hens and those animals domiciled within the owners’ household and only as provided in this Chapter. No person shall allow any animal to run at large within the Town.”

**SECTION 4 SEVERABILITY**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 5 EFFECTIVE DATE**

This Local Law shall take effect upon enactment by the Town of Lenox Town Board.