

June 22, 2023, as adopted at the meeting

VILLAGE OF RED HOOK
LOCAL LAW 2 OF THE YEAR 2023

A LOCAL LAW TO REGULATE ANIMAL HUSBANDRY, HENS AND HONEYBEES IN
THE VILLAGE OF RED HOOK

Be it enacted by the Village Board of the Village of Red Hook as follows:

Section 1. **Legislative Intent**

The keeping of hens, honeybees and small domesticated animals are not listed as permitted uses in the Village Zoning Law and are therefore not permitted. The purpose of this law is to maintain the quality of life for all residents in a modern village setting while enabling residents to keep a small number of hens, honeybees and small domesticated animals, creating standards that ensure that such animals do not adversely affect the neighborhood surrounding the property where such animals are kept.

The keeping of hens supports a local, sustainable food system by providing a personal, non-commercial, affordable, nutritious source of fresh eggs. The keeping of hens also provides free nitrogen-rich fertilizer, chemical-free pest control, animal companionship, and weed control, among other benefits.

The keeping of other small, domesticated animals, such as goats, sheep or pigs can also provide benefits including the natural control of brush and weeds, companionship and products such as milk for personal, non-commercial use.

Honeybees play a critical role in our food system by pollinating flowers. A honeybee can pollinate blossoms within a three-mile radius and supports agriculture. The keeping of honeybees expands the honeybee population and benefits the local ecosystem through pollination and biodiversity.

Section 2. **Subsection B of Section 200-5 of the Zoning Law, entitled, “Definitions,” is hereby amended adding the following new definitions:**

Household Pets - dogs, cats and similar small animals typically kept in a household. The term does not include chickens and other fowl, pigs, goats, sheep, cows, deer, horses, mules, donkeys, llamas, alpacas, livestock and other animals typically associated with farming and animal husbandry.

Hen - A female domestic chicken (*Gallus gallus domesticus*). Roosters and other types of domestic fowl are intentionally excluded from this definition.

Honeybee - A domesticated winged insect that collects pollen and nectar and produces honey (*Apis Mellifera*).

Section 3. The Definition of “Animal Husbandry” in Subsection B of Section 200-5 of the Zoning Law, entitled, “Definitions,” is hereby amended to read as follows:

Animal Husbandry – the keeping, grazing, feeding and care of animals other than household pets, hens and honeybees. The term "animal husbandry" shall not be construed to include breeding, fur farms, pig farms or cage-type poultry houses or the keeping of roosters, which is prohibited in the Village.

Section 4. The Definition of “Building” in Subsection B of Section 200-5 of the Zoning Law, entitled, “Definitions,” is hereby amended to read as follows:

Building – any structure constructed or used for residence, business, industry or other public or private purposes or accessory thereto, including tents, lunch wagons, dining cars, mobile homes, billboards, signs and similar structures, whether stationary or movable. Carports, roofed porches, roofed enclosures for animal husbandry or hens, and terraces shall be considered to be buildings.

Section 5. A new Section 200-18.1 entitled, “Animal Husbandry, Hens and Honeybees” is added to the Village Zoning Law to read as follows:

§ 200-18.1. Animal Husbandry, Hens and Honeybees.

- A. Animal husbandry. Animal husbandry for personal non-commercial use is permitted as an accessory use to a residential use with site plan approval in the R10,000 and R20,000 Zoning Districts on a lot with a minimum area of 2 acres, subject to the following limitations and restrictions.
1. Animals shall be confined at all times to the lot on which they are kept, possessed or maintained. Animal husbandry shall not be conducted within 75 feet of the lot boundary.
 2. The number of animals that may be kept on a property is as follows: one animal with an average weight of 250 pounds or more at mature size or two animals with an average weight of less than 250 pounds each at mature size per 1.5 acres of available land, regardless of the actual size or age of the animal. "Available land" is defined as all land on a lot, excluding the residence, driveway, garage, other buildings or structures not used for animal husbandry, and all areas within 50 feet of wells, watercourses and wetlands.
 3. Adult male animals shall be neutered; breeding of animals is not permitted.
 4. Feed shall be stored indoors or in metal containers and securely covered with metal covers.
 5. Animal waste and uneaten or discarded food must be disposed of in a safe and sanitary manner with a minimum frequency of once per week. There shall be no unenclosed storage or manure or other odor- or dust-producing substances.
 6. Odor from animals, animal waste and related substances shall not create a nuisance for occupants of nearby buildings or properties.
- B. Keeping of hens. The keeping of hens for personal non-commercial use is permitted as an accessory use to a residential use in the R10,000 and R20,000 Zoning Districts subject to issuance of a permit from the Code Enforcement Officer and further subject

to the following rules.

1. All hens shall be provided with an enclosed shelter and a fenced run inaccessible to predatory animals. The shelter and fenced run shall be located behind the front building line of the residence and set back from the property boundary not less than the accessory building setback required in the District Schedule of Area and Bulk Regulations for the applicable zoning district.
 - a. The fenced run shall be fully screened from view from any neighboring front yard by an opaque fence, shrubbery, or other screening of a height equivalent to the structure being screened.
 - b. The enclosed shelter shall provide a minimum floor space of four (4) square feet per hen. The fenced run shall have a minimum of eight (8) square feet per hen.
 2. The shelter shall be maintained in a clean, dry and sanitary condition at all times so as not to endanger the public health and safety. Animal waste, uneaten or discarded food, and feathers are to be removed regularly with a minimum frequency of once per week.
 3. Feed shall be stored indoors or in metal containers and securely covered with metal covers.
 4. Hen waste must be disposed of in a safe and sanitary manner with a minimum frequency of once per week or may be composted on site with sufficient green vegetation and soil so as to prevent odors from leaving the property.
 5. Odor from hens, hen waste and related substances shall not create a nuisance for occupants of nearby buildings or properties.
 6. Hens shall be confined at all times to the lot on which they are kept, possessed or maintained. Free-range hens are prohibited.
 7. No more than six (6) hens are permitted on a lot of an acre or less and no more than twelve (12) hens are permitted on a lot of more than one acre.
 8. The keeping of fowl other than hens, including but not limited to roosters, ducks, geese, turkeys, guinea fowl, peacocks and peahens, is not permitted.
 9. A non-transferable license shall be obtained from the Code Enforcement Officer prior to the keeping of hens on a lot and shall be subject to an annual renewal.
 - a. If an applicant is not the owner of the lot the license application shall be accompanied by a notarized letter from the owner authorizing the keeping of hens.
 - b. Prior to issuance of the license, the CEO shall inspect the premises and confirm in writing that the standards in subsection 200-18.1B are met.
 - c. The Village Board may establish by resolution a fee for each license and renewal thereof.
- C. Keeping of honeybees. The personal non-commercial keeping of honeybees shall be permitted as an accessory use to a residential use in the R10,000 and R20,000 Zoning Districts, subject to issuance of a beekeeping permit from the Code Enforcement Officer and further subject to the following rules.
1. Hive type. All honeybee colonies shall be kept in hives with removable frames, a maximum of 10 frames per box, or equivalent, to control total bee density (or five frames or equivalent for a nucleus colony defined as a hive with a queen

installed at the discretion of the beekeeper to better facilitate the health and vitality of the entire bee colony), such box to allow disassembly for complete internal hive inspection at all times by the Village Building Inspector, Code Enforcement Officer, Village Engineer, Village designee, or any other governmental agency with jurisdiction.

2. Site colony density.
 - i. A maximum of two colonies, consisting of no more than three hives, shall be permitted per lot.
 - ii. Should hives swarm, the beekeeper may add a temporary hive(s) to accommodate same. If this exceeds the maximum permitted site density, the hives must be merged during the calendar year to an allowed density.
 - iii. In no event will the overwintering of colonies exceeding the maximum total allowed permitted.
3. Colony location. All colonies must be located at least 50 feet from a public sidewalk, alley, street or road and at least 25 feet from a side or rear lot line. All colony entrances shall face inward to the site and away from the nearest adjacent property boundaries. A dimensioned sketch of the lot showing location and all setbacks shall be included with the application for a beekeeping permit.
4. Control barrier.
 - i. The beekeeper must establish a flyaway barrier adjacent to hives controlling the honeybee flight path away from the lot. This should be at least six feet tall and extend 15 feet beyond the colony on each boundary side. It can be solid, vegetative or any combination of the two that forces the honeybee's flight path along the lot line at a height of six feet or more.
 - ii. A warning sign must be within 20 feet of the hives to warn people and children from coming in close contact with the hives without supervision.
5. Purchasing and keeping of bees and queens; honeybee genetics and defensive behavior.
 - i. Beekeepers pursuing the purchase and keeping of bees must be mindful of honeybee genetics and defensive honeybee behavior. Thus, before the purchase of bee packages or queen bees, whether to start, replace or maintain colonies, beekeepers must act responsibly to limit the spread of Africanized (defensive) and any other undesirable bee genetics. Accordingly, every effort should be made to utilize bees or queens from northern apiaries to limit the spread of the Africanized bee genetics. Applicants should include documentation to verify apiary origin of mated queens and packaged bees, including the seller's contact information.
 - ii. Any colony of honeybees exhibiting defensive or angry behavior must be re-queened immediately. The beekeeper will make every effort to minimize colony disruption after the defensive or angry behavior determination. The beekeeper will also use good practices to minimize/prevent a defensive colony swarming.
 - iii. All existing and new apiaries will meet the required colony density. All

existing and new colonies will be managed to meet the spirit and intent of these provisions, in the judgement of the Building Inspector, Code Enforcement Officer, Village Engineer or Village designee, who retain the authority to cancel the beekeeping permit if these standards are not met. In such an event, if in disagreement, the beekeeper shall have 30 days to appeal said cancellation to the Zoning Board of Appeals.

6. Water. Each beekeeper shall ensure that a convenient source (within colony property area and near the hive or hives) of water is available to the bees in sufficient quantity as a function of number of hives, specifically at any time during the year when temperatures are regularly 50° F or higher and the bees are active.
 7. Absence. The beekeeper shall maintain a log on site recording significant hive activities (such as disease infestation). If the beekeeper does not reside on the property, or plans to be away, he/she or a knowledgeable representative shall visit same no less frequently than approximately weekly during the months of higher bee activity, and approximately bi-monthly at other times except if specific circumstances necessitate more frequent attention. The beekeeper shall provide contact information in case of an emergency. The on-site log shall reflect having met this regulation, and shall be made available for review by the Village or any person with authority to inspect the hives.
 8. A non-transferable license must be obtained from the Code Enforcement Officer prior to the keeping of honeybees on a lot and shall be subject to an annual renewal.
 - i. Each application and renewal application shall be accompanied by information on the number of hives and colonies and their location.
 - ii. If an applicant is not the owner of the lot the license application shall be accompanied by a notarized letter from the owner authorizing the keeping of honeybees.
 - iii. Prior to issuance of the license, the CEO shall inspect the premises and confirm in writing that the standards in subsection 200-18.1C are met.
 - iv. The Village Board may establish by resolution a fee for each license and renewal thereof.
 - v. The initial license application and each renewal application shall require the applicant to provide notice of beekeeping activity to adjacent property owners. Such notice shall include the applicant's contact information in the event that there are questions or concerns.
 9. Incidental sales of honey from the hives may be permitted by the beekeeper.
- D. It shall be unlawful to cause, permit or allow any animals, hens or honeybees to be kept in such a manner as to constitute a nuisance or to create a hazard to public health or in any manner which either annoys, disturbs, injures or endangers or tends to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of the public.
- E. Compliance Requirements.
1. Owners of hens, honeybees or other animals other than household pets existing on a lot within the Village at the time of adoption of this Section shall have ninety days from the effective date to come into compliance with the provisions of this Section and obtain a license or site plan approval.

- i. Existing hives, chicken coops and other structures which are non-compliant by exceeding the maximum permitted size or coverage may continue to be used provided that all other approvals and licenses are obtained, but shall not thereafter be enlarged.
 - ii. Any owner of hens, honeybees or other animals (other than household pets) who exceeds the permitted number of such hens, honeybees or other animals (other than household pets) at the time of adoption of this local law may apply to the Planning Board for a special use permit to allow the hens, honeybees or other animals (other than household pets) to remain.
 - iii. The size limitations regulate the use of the residential lot and the Zoning Board of Appeals is without authority to issue an area variance to permit an increase in the number of hens, honeybees or other animals (other than household pets) permitted on a lot.
 2. Any agricultural activities conducted on properties in an Agricultural District may be exempt from these restrictions if so provided by Agriculture and Markets Law Article 25-AA, as amended
- F. Inspection. The Village of Red Hook, or its designee, or any governmental agency with jurisdiction shall have the right to inspect animal enclosures and beehives at any time with 24 hours' notice, except in an emergency, when notice shall be given to the extent practicable.
- G. Violations. In addition to the penalties in Article VII of the Zoning Law:
 1. A license for the keeping of hens or bees shall be automatically revoked for a period of two years upon conviction of a second offense and no new license for the same property or owner shall be issued for a period of 2 years from the date of conviction.
 2. A beekeeping permit shall be revoked if the beekeeper fails to maintain the colony in a safe and secure manner.

Section 6. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village of Red Hook hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.