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City of North Tonawanda

OFFICE OF THE CITY CLERK - TREASURER
VITAL STATISTICS
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COMMON COUNCIL WORKSHOP AGENDA

July 9, 2026

The following meeting has been scheduled for TUESDAY, JULY 14, 2026:

**6:30 PM Gabrielle Richards
Common Council President**

**Re: City Code changes to Chapter 57
Livestock and Chapter 59 Milk**

- Common Council

Re: General Discussion

Respectfully submitted,



**Donna L. Braun
City Clerk-Treasurer**

CODE MAINTENANCE COMMITTEE

THOUGHTFUL REVIEW FOR
LONG-TERM IMPROVEMENT.



STAGE 1 – COMMITTEE RECOMMENDATION FOR COUNCIL DISCUSSION

Code Maintenance Committee Recommendation for Council Discussion

Date Submitted: ____7/9 NOON____

Expected Meeting Date: ____July 14th Council Workshop____

Submitted By: Code Maintenance Committee

Purpose

The Code Maintenance Committee has reviewed the sections of City Code(s) listed below and is submitting proposed revisions for discussion and consideration by the Common Council.

Code Sections Under Review

Chapter 57 Livestock

Originally adopted by the Common Council of the City of North Tonawanda 11-17-1958 with various amendments made between 1979 and 2018, but with the majority of the code not being updated since 1958.

Chapter 59 Milk

Originally adopted in 1929, with no amendments made since 1929.

Attached Documents

The following documents are included for review:

- ✓ Original Version of Code Language
- ✓ Suggested Changes Version (showing proposed amendments)

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NORTH TONAWANDA NY

Council Discussion

This submission is intended for Common Council discussion and feedback. No final recommendation has been adopted by the Common Council at this stage.

RECEIVED
CITY CLERK'S OFFICE

Mission Statement:

The purpose of this committee is to review the City Code and identify outdated sections, old language, inconsistencies, and provisions that no longer match how the City operates today. Many parts of the code have not been thoroughly reviewed in decades, so the goal is to work through them thoughtfully and make recommendations where updates or clarification may be needed.

This committee's work is separate from the City's consultant-led Zoning Code Update project. While the Zoning Code Update focuses specifically on land use and development regulations, this committee will focus more broadly on the overall City Code, organization, accessibility, and general code maintenance.

Chapter 57. Livestock

[HISTORY: Adopted by the Common Council of the City of North Tonawanda 11-17-1958.
Amendments noted where applicable.]

GENERAL REFERENCES

Dog kennels — See Ch. 32.

Dogs — See Ch. 33.

§ 57-1. Definitions.

[Amended 8-21-79]

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

ANIMALS or LIVESTOCK

Includes burros, cows, donkeys, goats, horses, mules, pigs, sheep, bees or other insects and any other brute or beast as distinguished from man and shall not be construed to apply to dogs and cats.

HEALTH OFFICER

The Health Officer of the City of North Tonawanda, New York, or a representative of the Niagara County Health Department or a representative of the New York State Health Department or an authorized representative of either of the above Departments.

POULTRY

Includes chickens, ducks, geese, guinea hens, pheasants, turkeys, pigeons and/or other fowl.

RABBIT

Includes any small animal of the hare family.

§ 57-2. Maintenance of animals or livestock.

From and after the enactment of this ordinance, it shall be unlawful for any person, firm or corporation to harbor or maintain any animals or livestock within the limits of the City of North Tonawanda, New York. This section shall not be construed to apply to slaughterhouses and abattoirs that are covered in the provisions of other city ordinances.

§ 57-3. Maintenance of live rabbits and poultry.

[Amended 5-1-2012]

From and after the enactment of this ordinance, it shall be unlawful for any person, firm or corporation to harbor or maintain any live rabbits or poultry in any yard, area, cellar, coop, building premises, public market or other public place in the City of North Tonawanda, New York, who does not possess an unrevoked permit from the City Clerk/Treasurer, as prescribed herein under the following terms and conditions.

A. Exceptions for chicken hens.

- (1) No more than five chicken hens shall be allowed for each single-family dwelling or multifamily dwelling.
- (2) No chicken hens shall be allowed in multi-family complexes, including duplexes, without the express written consent of the owner of the building and all tenants residing therein other than the applicant.
- (3) No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.
- (4) No roosters shall be allowed.
- (5) Chicken hens are to be restricted to the rear or backyard of any lot in a residential zoning district or the rear or backyard of a residential use in all other zoning districts.
- (6) Chicken hens shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage in breeding or fertilizer production for commercial purposes.
- (7) Persons wishing to keep chicken hens within the City of North Tonawanda must obtain a permit from the office of the City Clerk/Treasurer after payment of an annual fee of \$25, and after inspection and approval of the coop and cage that chicken hens are to be kept in by the Building Inspector.

B. Chicken permits.

- (1) Chicken permit application contents. The application for such permit shall include the following information:
 - (a) The name, phone number and property address of the applicant;
 - (b) The location of the subject property;
 - (c) The size of the subject property;
 - (d) The number of chicken hens the applicant seeks to keep on the property;
 - (e) A description of any coops or cages that will house the chicken hens, together with a

description of any fencing, barriers or enclosures surrounding the curtilage of the property;

(f) A scaled drawing showing the precise location of cages, coops, enclosures, fences and barriers in relation to property lines and to structures on adjacent properties;

(g) A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of rodents and insects;

(h) A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of chicken hens as described in the permit application;

(i) A signed statement from any and all tenants of the building that they consent to the applicant's keeping of chicken hens on the premises;

(j) A signed statement from any resident residing on a property adjacent to the applicant's property consenting to the applicant's keeping of chicken hens on the premises;

(k) The addresses of all properties within a fifty-foot radius of the subject property.

(2) Review, expiration and renewal of chicken permits.

(a) Initial review and approval.

[1] Upon receipt of a chicken permit application and the requisite permit fee, the City Clerk-Treasurer shall immediately notify the Mayor, Common Council and Building Inspector of said application, including the number of chicken hens sought to be permitted and the location of the proposed chicken coop or cages.

[2] The City Clerk-Treasurer shall immediately notify those property owners who own the properties within 50 feet of the applicant's property and provide them with an opportunity to provide written comments as to their support or opposition to the proposed chicken coop.

[3] If the City Clerk-Treasurer receives no written comments evidencing opposition to or concern regarding the proposed chicken coop within 20 days of receipt of the application, he or she shall issue a permit for up to five chicken hens to the applicant that shall be nontransferable and valid for one year from the date of a satisfactory inspection by the Building Inspector, which shall be subject to the renewal provisions set forth below.

[4] If the City Clerk-Treasurer receives written comments evidencing opposition to the proposed chicken coop and cage within 20 days of receipt of the application, he or she shall file with the Mayor the complete chicken permit application and all comments received regarding the

application for its consideration thereof.

[5] The Mayor shall determine, in his or her discretion, and taking into account the entire record before him or her, whether or not a chicken permit shall be issued to the applicant. The Mayor shall be empowered to impose further conditions on the permit that are deemed to be necessary to preserve the public health, safety and/or welfare.

[6] Upon approval, the Mayor shall take action on the permit application **in accordance with the City Charter.**

[7] The Building Inspector shall cause an inspection of the proposed chicken coop to be conducted to verify conformance with those provisions hereof within 45 days of the applicant being issued a permit.

[8] After completion of the inspection by the Building Inspector and confirmation that the coop conforms to the specifications provided in the application approved by the City Clerk-Treasurer, the permit holder shall be allowed to keep the number of chicken hens specified in the permit on the premises.

[9] A permit issued to an applicant shall include the permit holder's proper name, the property address for which the permit is valid, the number of chicken hens allowed at the property address, a unique permit number, the date the permit was issued, an expiration date exactly one year from the date of issuance and any conditions imposed by the City Clerk-Treasurer.

(b) Renewal.

[1] On the first day of May of every year, the City Clerk-Treasurer shall file with and notify the Mayor, Common Council, and Building Inspector of all chicken hen permits issued in the prior year, including the names, property addresses, number of chicken hens permitted at said properties and the issuance and expiration dates of said permits.

[2] On or before June 1 of every year, the Mayor, Common Council or any other interested party shall file complaints received regarding licensed chicken hens.

[3] Any complaints received regarding any particular chicken permit issued shall be considered at a meeting of the Common Council, at which the permit holder and any other interested party shall have the right to be heard concerning said permit.

[4] The Mayor, in his or her discretion, may not renew any chicken permit for any reason after the permit holder and any other interested party has been given an opportunity to be heard.

[5] On June 1 of every year, the Mayor shall proceed to consider renewal of all chicken permits issued, as prescribed within this ordinance, and may revoke any permit issued pursuant thereto.

[6] If, at any time, the Mayor, Common Council or Building Inspector is made aware of any complaints regarding a properly permitted chicken coop, they may proceed to hear the complaints of any interested party and the defense of the permit holder at a public hearing and may revoke the permit issued for any reason pursuant to this ordinance.

[7] If a permit is renewed pursuant to the provisions hereof, the applicant may continue to keep chicken hens pursuant to the terms and conditions set forth herein and imposed in the initial permit, provided that he or she pays the annual fee of \$25 on or before the expiration date of the permit.

[8] Except in the case of a chicken coop that is not permanently affixed to the ground and is therefore mobile, any permit holder shall first obtain a building permit in accordance with Chapter 25 of the City Code prior to constructing or erecting a chicken coop not consistent herewith.

C. Chicken coop setbacks and limitations.

(1) Setbacks.

(a) The coops or cages housing such chicken hens must be situated at least 20 feet from any door or window of a dwelling, school, church, or other occupied structure other than the applicant's dwelling.

(b) The coops or cages housing such chicken hens may not be located in front or side street yard areas and shall not be located within five feet of a side yard lot line nor within 18 inches of a rear yard lot line, except where the rear lot line forms the side lot or front lot line of an abutting property, in which case the setback from such rear lot line shall be five feet. No chicken hens shall be kept in front yard or side street yard areas.

(2) Enclosures/coops and cages:

(a) Chicken hens shall be kept within both a coop and a fenced outdoor enclosure at all times and shall not be allowed to run free in the fenced outdoor enclosure unless a responsible individual over 18 years of age is directly monitoring said activity and is able to immediately respond should said chickens need to be returned to their individual cages.

(b) The chicken coop shall be a covered, predator-resistant, well-ventilated structure providing a minimum of two square feet per chicken hen.

(c) The outdoor enclosure shall be adequately fenced to contain the chicken hens and to protect the chicken hens from predators.

(d) The coop must be kept in a clean, dry and sanitary condition at all times.

(e) The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.

(f) The total area of all coops or cages on a lot shall not be greater than 32 square feet for up to five chicken hens. Coops and cages, singly or in combination, shall not exceed seven feet in height.

D. Food storage; feeding.

(1) Chicken feed or other food used to feed the chicken hens shall be stored in a rat-proof, fastened container stored within a structure, which shall only be unfastened for the retrieval of food and immediately refastened thereafter.

(2) The chicken hens shall be fed only from an approved trough. Scattering of food on the ground is prohibited.

E. Sanitation and nuisances.

(1) Chicken hens shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and to comply with applicable provisions of both the New York State and Niagara County sanitary codes.

(2) Chicken hens shall not be kept in a manner that is injurious or unhealthful to any animals being kept on the property.

F. Slaughtering. There shall be no slaughtering of chicken hens.

§ 57-4. Permits and fees.

A. Permits for the maintenance of live rabbits and/or poultry may, after investigation, be issued at a fee of \$3 for a period of one-year beginning January 1 and shall be renewable within a period of 30 days following expiration.

B. Permits to maintain registered racing homing pigeon lofts may, after investigation, be issued without fee in consideration of the contributions of owners of these lofts to Civil Defense.

C. Permits may be temporarily suspended or revoked by the Health Officer at any time when, in his opinion, rabbits or poultry are found to constitute a health nuisance.

§ 57-5. Restriction of live rabbits and/or poultry.

All live rabbits and/or poultry shall be confined to proper areas and shall not be allowed to roam at large. This section shall not be construed to apply to pigeons.

§ 57-6. Housing of rabbits and poultry.

All structures for the feeding and maintenance of rabbits and/or poultry shall be constructed and maintained in a manner as approved by the Health Officer.

§ 57-7. Enforcement.

[Amended 8-21-79]

This ordinance shall be enforced by the Health Officer and the North Tonawanda Building Inspector.

§ 57-8. Penalties.

[Amended 11-20-2018]

Any person, firm or corporation violating any provisions of this ordinance shall be guilty of an offense and, upon conviction, be punished by a fine of not more than \$50 per day for each offense or by imprisonment for not more than six months, or by both.

§ 57-9. Repealer; when effective.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall be in full force and take effect immediately upon its adoption and publication.

§ 57-10. Severability.

Should any paragraph, section, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of the said ordinance shall not be affected thereby.

Chapter 57. Livestock

[HISTORY: Adopted by the Common Council of the City of North Tonawanda 11-17-1958.
Amendments noted where applicable.]

GENERAL REFERENCES

Dog kennels — See Ch. 32.

Dogs — See Ch. 33.

§ 57-1. Definitions.

[Amended 8-21-79]

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

ANIMALS or LIVESTOCK

Includes burros, cows, donkeys, goats, horses, mules, pigs, sheep, bees or other insects and any other brute or beast as distinguished from man and shall not be construed to apply to dogs and cats.

INSPECTOR HEALTH OFFICER

~~A~~The Health Officer of the City of North Tonawanda, New York, ~~or a~~ representative of the Niagara County Health Department or a representative of the New York State Health Department or an authorized representative of either of the above Departments.

POULTRY

Includes chickens, ducks, geese, guinea hens, pheasants, turkeys, pigeons and/or other fowl.

RABBIT

Includes any small animal of the hare family.

§ 57-2. Maintenance of animals or livestock.

From and after the enactment of this ordinance, it shall be unlawful for any person, firm or corporation to harbor or maintain any animals or livestock within the limits of the City of North Tonawanda, New York. This section shall not be construed to apply to slaughterhouses and abattoirs that are covered in the provisions of other city ordinances.

§ 57-3. Maintenance of live rabbits and poultry.

[Amended 5-1-2012]

From and after the enactment of this ordinance, it shall be unlawful for any person, firm or corporation to harbor or maintain any live rabbits or poultry in any yard, area, cellar, coop, building premises, public market or other public place in the City of North Tonawanda, New York, who does not possess an unrevoked permit from the City Clerk/Treasurer, as prescribed herein under the following terms and conditions.

A. Exceptions for chicken hens ~~and duck hens~~.

- (1) No more than ~~six five chicken~~ hens shall be allowed for each single-family dwelling or multifamily dwelling.
- (2) No ~~chicken~~ hens shall be allowed in multi-family complexes, including duplexes, without the express written consent of the owner of the building and all tenants residing therein other than the applicant.
- (3) No ~~chicken~~ hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.
- (4) No roosters ~~or drakes~~ shall be allowed.
- (5) ~~Chicken~~ Hens are to be restricted to the rear or backyard of any lot in a residential zoning district or the rear or backyard of a residential use in all other zoning districts.
- (6) ~~Chicken~~ Hens shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage in breeding or fertilizer production for commercial purposes.
- (7) Persons wishing to keep ~~chicken~~ hens within the City of North Tonawanda must obtain a permit from the office of the City Clerk/Treasurer after payment of an annual fee of \$25, and after inspection and approval of the coop and cage that ~~chicken~~ hens are to be kept in by the Building Inspector.

B. Chicken ~~hens and duck hens~~ permits.

- (1) ~~Hens Chicken~~ permit application contents. The application for such permit shall include the following information:
 - (a) The name, phone number and property address of the applicant;
 - (b) The location of the subject property;
 - (c) The size of the subject property;
 - (d) The number of ~~chicken~~ hens the applicant seeks to keep on the property;
 - (e) A description of any coops or cages that will house the ~~chicken~~ hens, together with a

description of any fencing, barriers or enclosures surrounding the curtilage of the property;

(f) A scaled drawing showing the precise location of cages, coops, enclosures, fences and barriers in relation to property lines and to structures on adjacent properties;

(g) A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of rodents and insects;

(h) A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of ~~chicken~~ hens as described in the permit application;

(i) A signed statement from any and all tenants of the building that they consent to the applicant's keeping of ~~chicken~~ hens on the premises;

(j) A signed statement from any resident residing on a property adjacent to the applicant's property consenting to the applicant's keeping of ~~chicken~~ hens on the premises;

(k) The addresses of all properties within a fifty-foot radius of the subject property.

(2) Review, expiration and renewal of chicken ~~hens and duck hens~~ permits.

(a) Initial review and approval.

[1] Upon receipt of a chicken ~~hens and duck hens~~ permit application and the requisite permit fee, the City Clerk-Treasurer shall immediately notify the Mayor, Common Council and Building Inspector of said application, including the number of chicken hens sought to be permitted and the location of the proposed chicken coop or cages.

[2] The City Clerk-Treasurer shall immediately notify those property owners who own the properties within 50 feet of the applicant's property and provide them with an opportunity to provide written comments as to their support or opposition to the proposed chicken coop.

[3] If the City Clerk-Treasurer receives no written comments evidencing opposition to or concern regarding the proposed chicken coop within 20 days of receipt of the application, he or she shall issue a permit for up to five chicken hens to the applicant that shall be nontransferable and valid for one year from the date of a satisfactory inspection by the Building Inspector, which shall be subject to the renewal provisions set forth below.

[4] If the City Clerk-Treasurer receives written comments evidencing opposition to the proposed chicken coop and cage within 20 days of receipt of the application, he or she shall file with the Mayor the complete chicken permit application and all comments received regarding the

application for its consideration thereof.

[5] The Mayor shall determine, in his or her discretion, and taking into account the entire record before him or her, whether or not a chicken permit shall be issued to the applicant. The Mayor shall be empowered to impose further conditions on the permit that are deemed to be necessary to preserve the public health, safety and/or welfare.

[6] Upon approval, the Mayor shall take action on the permit application. ~~in accordance with the City Charter.~~

[7] The Building Inspector shall cause an inspection of the proposed chicken **and/or duck** coop to be conducted to verify conformance with those provisions hereof within 45 days of the applicant being issued a permit.

[8] After completion of the inspection by the Building Inspector and confirmation that the coop conforms to the specifications provided in the application approved by the City Clerk-Treasurer, the permit holder shall be allowed to keep the number of chicken hens **and duck hens** specified in the permit on the premises.

[9] A permit issued to an applicant shall include the permit holder's proper name, the property address for which the permit is valid, the number of chicken hens allowed at the property address, a unique permit number, the date the permit was issued, an expiration date exactly one year from the date of issuance and any conditions imposed by the City Clerk-Treasurer.

(b) Renewal.

[1] On the first day of May of every year, the City Clerk-Treasurer shall file with and notify the Mayor, Common Council, and Building Inspector of all chicken hen permits issued in the prior year, including the names, property addresses, number of chicken hens **and duck hens** permitted at said properties and the issuance and expiration dates of said permits.

[2] On or before June 1 of every year, the Mayor, Common Council or any other interested party shall file complaints received regarding licensed chicken hens **and duck hens**.

[3] Any complaints received regarding any particular chicken **or duck** permit issued shall be considered at a meeting of the Common Council, at which the permit holder and any other interested party shall have the right to be heard concerning said permit.

[4] The Mayor, in his or her discretion, may not renew any chicken **or duck** permit for any reason after the permit holder and any other interested party has been given an opportunity to be heard.

[5] On June 1 of every year, the Mayor shall proceed to consider renewal of all chicken **and duck** permits issued, as prescribed within this ordinance, and may revoke any permit issued

pursuant thereto.

[6] If, at any time, the Mayor, Common Council or Building Inspector is made aware of any complaints regarding a properly permitted chicken **or duck** coop, they may proceed to hear the complaints of any interested party and the defense of the permit holder at a public hearing and may revoke the permit issued for any reason pursuant to this ordinance.

[7] If a permit is renewed pursuant to the provisions hereof, the applicant may continue to keep chicken hens **and duck hens** pursuant to the terms and conditions set forth herein and imposed in the initial permit, provided that he or she pays the annual fee of \$25 on or before the expiration date of the permit.

[8] Except in the case of a chicken **or duck** coop that is not permanently affixed to the ground and is therefore mobile, any permit holder shall first obtain a building permit in accordance with Chapter 25 of the City Code prior to constructing or erecting a chicken **or duck** coop not consistent herewith.

C. Chicken **or duck** coop setbacks and limitations.

(1) Setbacks.

(a) The coops or cages housing such chicken hens **or duck hens** must be situated at least 20 feet from any door or window of a dwelling, school, church, or other occupied structure other than the applicant's dwelling.

(b) The coops or cages housing such chicken hens **or duck hens** may not be located in front or side street yard areas and shall not be located within five feet of a side yard lot line nor within 18 inches of a rear yard lot line, except where the rear lot line forms the side lot or front lot line of an abutting property, in which case the setback from such rear lot line shall be five feet. No chicken hens shall be kept in front yard or side street yard areas.

(2) Enclosures/coops and cages **for** :

(a) Chicken hens **and duck hens** shall be kept within both a coop and a fenced outdoor enclosure at all times and shall not be allowed to run free in the fenced outdoor enclosure unless a responsible individual over 18 years of age is directly monitoring said activity and is able to immediately respond should said chickens need to be returned to their individual cages.

(b) The chicken coop shall be a covered, predator-resistant, well-ventilated structure providing a minimum of two square feet per chicken hen.

(c) The duck coop shall be a covered, predator-resistant, well-ventilated structure providing a minimum of four square feet per duck hen.

(d) The outdoor enclosure shall be adequately fenced to contain the chicken hens and duck hens and to protect the chicken hens and duck hens from predators.

(e) The coop must be kept in a clean, dry and sanitary condition at all times.

(f) The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.

(g) The total area of all coops or cages on a lot shall not be greater than 32 square feet for up to ~~six~~ ~~five~~ chicken hens and duck hens. Coops and cages, singly or in combination, shall not exceed seven feet in height.

D. Food storage; feeding.

(1) Chicken or duck feed or other food used to feed the chicken hens and duck hens shall be stored in a rat-proof, fastened container stored within a structure, which shall only be unfastened for the retrieval of food and immediately refastened thereafter.

(2) The chicken hens and duck hens shall be fed only from an approved trough. Scattering of food on the ground is prohibited.

(3) To prevent accidental coprophagy, duck hens require a minimum of two separate water sources at all times, maintained as follows

[1] One water source shall be dedicated strictly for feeding purposes and located directly next to the primary food supply. This water source shall be emptied, cleaned, and replenished with fresh water at regular intervals to prevent stagnation, fouling, and pest attraction.

[2] One water source shall be dedicated strictly for exercise and swimming and must be located away from food supplies, as to encourage duck hens to drink and eat with the previously mentioned water supply. This source shall maintain a minimum water depth of six to eight inches and provide a minimum of five linear feet of unobstructed swimming space per duck. Because duck hens excrete waste in water, frequent dumping and refilling, or bio-filtration shall be implemented in this water source as to prevent algae or intoxicated water.

E. Sanitation and nuisances.

(1) Chicken hens ~~and duck hens~~ shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and to comply with applicable provisions of both the New York State and Niagara County sanitary codes.

(2) Chicken hens ~~and duck hens~~ shall not be kept in a manner that is injurious or unhealthful to any animals being kept on the property.

F. Slaughtering. There shall be no slaughtering of chicken hens ~~and duck hens~~.

§ 57-4. Permits and fees.

A. Permits for the maintenance of live rabbits and/or poultry may, after investigation, be issued at a fee of ~~\$25~~ for a period of one-year beginning January 1 and shall be renewable within a period of 30 days following expiration.

B. Permits to maintain registered racing homing pigeon lofts may, after investigation, be issued ~~at a fee of \$25 without fee~~ in consideration of the contributions of owners of these lofts to Civil Defense.

C. Permits may be temporarily suspended or revoked by the ~~Building Department or Health Officer~~ at any time when, in ~~their~~his opinion, rabbits or poultry are found to constitute a health nuisance.

§ 57-5. Restriction of live rabbits and/or poultry.

All live rabbits and/or poultry shall be confined to proper areas and shall not be allowed to roam at large. This section shall not be construed to apply to pigeons.

§ 57-6. Housing of rabbits and poultry.

All structures for the feeding and maintenance of rabbits and/or poultry shall be constructed and maintained in a manner as approved by the ~~Health Officer~~Building Inspector.

§ 57-7. Enforcement.

[Amended 8-21-79]

This ordinance shall be enforced by the ~~Health Officer and the~~North Tonawanda Building Inspector.

§ 57-8. Penalties.

[Amended 11-20-2018]

Any person, firm or corporation violating any provisions of this ordinance shall be guilty of an offense and, upon conviction, be punished by a fine of not more than \$50 per day for each offense or by imprisonment for not more than six months, or by both.

§ 57-9. Repealer; when effective.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall be in full force and take effect immediately upon its adoption and publication.

§ 57-10. Severability.

Should any paragraph, section, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of the said ordinance shall not be affected thereby.

A. Exceptions for apis mellifera bees

(1) No apis mellifera bees shall be allowed in multi-family complexes, including duplexes, without the express written consent of the owner of the building and all tenants residing therein other than the applicant.

(2) No apis mellifera bees shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.

(3) It shall be unlawful to keep more than the following number of colonies, based upon the lot size on which the apiary is situated:

- (a) One-quarter acre or less: one colony.
- (b) More than 1/4 acre but less than 1/2 acre: two colonies
- (c) More than 1/2 acre but less than one-acre tract size: four colonies.
- (d) One acre or larger tract size: six colonies.

(4) All colonies must be maintained with queens selected from stock bred for gentleness and nonswarming characteristics. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony with another queen. Failure to comply with the provisions of this subdivision may be grounds for revocation of a beekeeping special permit.

B. Apis mellifera bees permits.

(1) The application process must be done to keep bees.

(8) Apiaries do not require a building permit.

(2) Bees permit application contents. The application for such permit shall include the following information:

- (a) The name, phone number and property address of the applicant;
- (b) The location of the subject property;
- (c) The size of the subject property;
- (d) The number of hives the applicant seeks to keep on the property;

(e) A description of the setup, together with a description of any fencing, barriers or enclosures surrounding the curtilage of the property;

(f) A scaled drawing showing the precise location of the hives in relation to property lines and to structures on adjacent properties;

(g) A description of the manner by which waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of rodents and insects;

(h) A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of hives as described in the permit application;

(i) A signed statement from any and all tenants of the building that they consent to the applicant's keeping of bees on the premises;

(j) A signed statement from any resident residing on a property adjacent to the applicant's property consenting to the applicant's keeping of bees on the premises;

(k) The addresses of all properties within a fifty-foot radius of the subject property.

(3) Review, expiration and renewal of *apis mellifera* bees permits.

(a) Initial review and approval.

[1] Upon receipt of an *apis mellifera* bees permit application and the requisite permit fee, the City Clerk-Treasurer shall immediately notify the Mayor, Common Council and Building Inspector of said application, including the number of beehives sought to be permitted and the location of the proposed hives.

[2] The City Clerk-Treasurer shall immediately notify those property owners who own the properties within 50 feet of the applicant's property and provide them with an opportunity to provide written comments as to their support or opposition to the proposed *apis mellifera* beehives.

[3] If the City Clerk-Treasurer receives no written comments evidencing opposition to or concern regarding the proposed hives within 20 days of receipt of the application, he or she shall issue a permit for the beehives to the applicant that shall be nontransferable and valid for one year from the date of a satisfactory inspection by the Building Inspector, which shall be subject to the renewal provisions set forth below.

[4] If the City Clerk-Treasurer receives written comments evidencing opposition to the proposed beehives within 20 days of receipt of the application, he or she shall file with the Mayor the complete

apis mellifera bees permit application and all comments received regarding the application for its consideration thereof.

[5] The Mayor shall determine, in their discretion, and taking into account the entire record before them, whether or not a permit shall be issued to the applicant. The Mayor shall be empowered to impose further conditions on the permit that are deemed to be necessary to preserve the public health, safety and/or welfare.

[6] Upon approval, the Mayor shall take action on the permit application. **in accordance with the City Charter.**

[7] The Building Inspector shall cause an inspection of the proposed beehives to be conducted to verify conformance with those provisions hereof within 45 days of the applicant being issued a permit.

[8] After completion of the inspection by the Building Inspector and confirmation that the beehives conform to the specifications provided in the application approved by the City Clerk-Treasurer, the permit holder shall be allowed to keep the number of hives specified in the permit on the premises.

[9] A permit issued to an applicant shall include the permit holder's proper name, the property address for which the permit is valid, the number of hives allowed at the property address, a unique permit number, the date the permit was issued, an expiration date exactly one year from the date of issuance and any conditions imposed by the City Clerk-Treasurer or the Mayor.

C. Apis mellifera beehives setbacks and limitations.

(1) All colonies must be kept in structures designed for the purpose of keeping bees and shall be of a design commonly used for the housing and keeping of bees.

(a) Hives shall not exceed 20 cubic feet in volume.

(b) Hives shall not be located within 10 feet of any property line.

(c) Hives shall not be located within the front yard.

(d) Hives are not permitted within 10 feet of any adjacent principal buildings.

(e) To the extent possible, hive entrances shall face away from the closest neighboring property and in such a direction that the bees fly across the beekeeper's property at sufficient distance to gain a height of at least six feet at the property line.

(2) When an apiary is located within 20 feet of a lot line, a flyway barrier of a minimum of six feet in height is required, located within five feet of the apiary, and extending at least two feet on either side of the apiary. The flyway barrier must be made of a fence, hedge, or dense vegetation to effectively prompt bees to fly at an elevation at least six feet above ground level.

D. Food storage; feeding.

(1) A convenient on-site source of highly accessible, shallow fresh water, such as a birdbath with rocks or marbles for landing pads, close to the hives.

(2) No bee comb or honey may be left exposed on the property. Upon their removal from the hive, all materials must promptly be disposed of in a sealed container or placed within a bee-proof enclosure.

Chapter 59. Milk

[HISTORY: Adopted by the Common Council of the City of North Tonawanda as indicated in article histories. Amendments noted where applicable.]

Article I. Tuberculin Test

[Adopted 8-19-1929]

§ 59-1. When required.

On and after October 1, 1929, it shall be unlawful for any person, partnership or corporation to bring or send into the City of North Tonawanda or to sell, offer for sale or distribute for direct human consumption within said City any milk from any herd which has not been officially tested with tuberculin in accordance with the uniform methods and rules of the Accredited Herd Plan as adopted by the United States Department of Agriculture and the New York State Department of Agriculture and Markets, and from which the reacting animals have not been removed.

§ 59-2. Certificate of physical examination.

A certificate of physical examination of the dairy cattle supplying milk to the City of North Tonawanda shall be filed annually with the Health Officer of the City of North Tonawanda and shall include a statement signed by the owner and the veterinarian to the effect that the herd has been tested with tuberculin in accordance with the Uniform Methods and Rules of the Accredited Herd Plan as adopted by the United States Department of Agriculture and the New York State Department of Agriculture and Markets, and that all reacting cattle have been removed from the herd.

§ 59-3. Violations and penalties.

Any violation of this ordinance shall constitute a misdemeanor and shall be punished by a fine not exceeding \$50 for each offense, and the person so violating this ordinance shall also be subject to a penalty of \$50 for each offense, to be recovered in any court of competent jurisdiction by the City of North Tonawanda.^[1]

[1]

Editor's Note: Former Art. II, Pasteurization and Packaging, adopted 10-26-1936, which immediately followed, was repealed 6-4-2003.

Chapter 59. Milk

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Article I. Tuberculin Test

[Adopted 8-19-1929]

§ 59-1. When required.

It shall be unlawful for any person, partnership or corporation to bring or send into the City of North Tonawanda or to sell, offer for sale or distribute for direct human consumption within said City any milk from any herd which has not undergone all tests that are currently required by the United States Department of Agriculture and the New York State Department of Agriculture and Markets.

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