

## PROPOSED CODE CHANGES DECEMBER 2018

### § 247-41 Domestic animals and livestock.

[Added 8-24-1994]

#### A. Purpose.

- (1) It is the purpose of this section to allow the raising and keeping of animals, livestock, poultry and rabbits within the Town of Pendleton pursuant to certain limitations and regulations intended to ensure that the raising and keeping of such animals, livestock, poultry or rabbits will not disrupt, disturb or harm the nature of residential areas within the Town or constitute a nuisance to any neighboring landowners and also to ensure that any such raising or keeping of animals, livestock, poultry or rabbits will be in conformance with the intent of this chapter.
- (2) This section does not apply to property 10 acres or more.

#### B. Definitions. As used in this section, the following terms shall have the meanings indicated:

##### **ANIMALS OR LIVESTOCK**

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

##### **DOMESTIC USE**

The raising or keeping of animals, livestock, poultry or rabbits by the owner of the property on which such animals, livestock, poultry or rabbits are raised or kept for hobby purposes or for consumption or associated use by the owner of such premises and his immediate family only.

##### **POULTRY**

Chickens, ducks, geese, guinea hens, turkeys, pigeons and/or any other fowl.

##### **RABBITS**

Any small animal of the hare family.

#### C. Domestic use; authorized restrictions. The raising or keeping of animals, livestock, poultry or rabbits for domestic use is hereby allowed in all zoning districts, subject to the following restrictions:

- (1) No animals or livestock are permitted on less than five acres.
- (2) For all animals and livestock, five acres of contiguous land or part thereof must be provided for every one animal or livestock kept or raised. The general provisions of § 247-40 shall also apply to domestic animals and livestock.
- (3) For all poultry and rabbits, a maximum of 12 of any combinations land or part thereof must be provided for every one animal or livestock kept or raised. The general provisions of § 247-40 shall also apply to domestic animals and livestock.
- (4) For all swine, hogs and pigs, 10 acres of contiguous land must be provided to allow the raising or keeping of the same. **One (1) pot belly pig will be allowed on less than 10 acres provided that it is kept indoors as a domesticated animal.**
- (5) Any person raising or keeping animals, livestock, poultry or rabbits must also comply fully with the New York State Agriculture and Markets Law, the Niagara County Health Codes and applicable ordinances of the Town of Pendleton, including any setback or building requirements.

- (6) Such raising or keeping of animals, livestock, poultry or rabbits must not cause a nuisance to any adjoining property which would annoy, alarm or render an inconvenience to such property owner.
- (7) All animals, livestock, poultry or rabbits must be confined so as not to cause damage to neighboring property. Any damage done by animals, livestock, poultry or rabbits shall cause the owner of such animals, livestock, poultry or rabbits to be responsible for the damage.