

**VILLAGE OF MIDDLEVILLE LOCAL LAW #1 OF 2021  
A LOCAL LAW RESTRICTING ANIMALS**

**Be it enacted by the Board of Trustees of the Village of Middleville, NY as follows:**

**Purpose.**

The purpose of this article is the prohibition of the harboring, housing, stabling or pasturing of any horse, cattle or swine, sheep, goat, chicken, turkey, hen, duck or any other fowl within the corporate limits of the Village of Middleville in the interest of promoting and furthering the general health and welfare of the village and its inhabitants. The presences of such animals within the village, with its concentrated housing units, precipitates odors, insects and a profusion of animal excrement which jeopardizes the health and welfare of the inhabitants of the village.

It is the intent to have this law apply to the animals specifically named herein and other like animals.

**Harboring of animals.**

No person, party or corporation shall harbor, house, stable or pasture any horse, cattle or swine, sheep, goat, chicken, turkey, hen, duck or any other fowl

within the limits of the Village of Middleville. This law shall apply to the animals specifically named above and other like animals.

**Exceptions.**

1. Those properties with Agricultural property classification are exempt.
2. Those residentially classified properties housing chickens or ducks at the time of enactment of this law shall be exempt. Such exemption shall not run with the land and shall cease upon transfer of ownership or occupancy.
3. It shall be lawful for those exempted residential properties to keep, permit or allow domesticated chickens or ducks as prescribed herein under the following terms and conditions:
  - A. Chickens and ducks are to be restricted to the rear or backyard of the premises and must be fenced in or cooped at all times.
  - B. Chickens and ducks shall be kept in residential exempt properties for personal use only, no person shall sell eggs or meat or engage in breeding or fertilizer production for commercial

purposes.

### **C. Coops and Fencing.**

- i. Coops must be situated at least 20 feet from any occupied structure other than the owners dwelling.
- ii. Coops may not be located in front or side areas.
- iii. Coops must be a covered, predator resistant, well ventilated structure providing a minimum of two square feet per chicken and three square feet per duck.
- iv. The coop must be kept clean, dry and sanitary at all times.
- v. The outdoor fence shall be adequate to contain chickens and ducks and to protect them from predators.
- vi. The outdoor enclosure shall be cleared on a regular basis to prevent the accumulation of animal waste.

### **D. Feed.**

- i. Any feed or food used to feed chickens and ducks shall be stored in a rat-proof fastened container stored within a structure which shall remain fastened except at the time of feeding.
- ii. Chickens and ducks, shall only be fed from an approved trough. Scattering of food on the ground is prohibited.

**E. Sanitation and Nuisance**

- i. Chickens and ducks shall be kept only in conditions that limit odors and noise and attraction of insects and rodents so as not to cause a nuisance to occupants of near-by buildings or properties and to comply with applicable provisions of New York State and Herkimer County sanitary codes.

- ii. There shall be no out-door slaughtering of chickens or ducks.

**Penalties for offenses.**

A. Any person violating any of the provisions of this article shall be guilty of a violation and, upon

conviction thereof, shall be punishable by a fine not exceeding \$250 for each offense.

B. Any person who fails to abate any violation of this article after notice of such violation shall be subject to a penalty of \$100 for each day said violation continue.

C. Each day such violation continues after notice of such violation shall constitute a separate offense punishable by a like fine or penalty.

The Village Codes Enforcement Officer shall have authority to issue citations and prosecute violators of this law.

This law shall take effect immediately.