

TOWN OF NEWFANE
COUNTY OF NIAGARA, STATE OF NEW YORK
LOCAL LAW NO. _____ OF THE YEAR 2026

A LOCAL LAW to enact Chapter 103 of the Code of the Town of Newfane, entitled “Domestic Animals and Livestock.”

Be it enacted by the Town Board of the Town of Newfane, County of Niagara, State of New York, as follows:

SECTION 1. Legislative intent.

The Town Board finds that the raising and keeping of livestock, poultry, and rabbits for domestic, non-commercial purposes is a desirable activity that should be permitted within the Town of Newfane, subject to reasonable limitations that protect the character of residential areas, prevent nuisance conditions affecting neighboring landowners, and ensure sanitary conditions. This local law is enacted to establish those limitations. Nothing in this local law is intended to restrict, prevent, or unreasonably regulate any farm operation or agricultural activity to the extent such regulation is preempted by § 305-a of the New York State Agriculture and Markets Law.

SECTION 2. Authority

This Local Law is enacted pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law § 10, and the Town Law of the State of New York.

SECTION 3. Enactment of Chapter 103.

A new Chapter 103 of the Code of the Town of Newfane, entitled “Domestic Animals and Livestock,” is hereby enacted to read as follows:

CHAPTER 103

Domestic Animals and Livestock

§ 103-1 Purpose.

The purpose of this chapter is to allow the raising and keeping of livestock, poultry, and rabbits within the Town of Newfane pursuant to certain limitations and regulations intended to ensure that the raising and keeping of such livestock, poultry, or rabbits will not disrupt, disturb, or harm the nature of residential areas within the Town or constitute a nuisance to neighboring landowners and also to ensure that any such raising or keeping of livestock, poultry, or rabbits will be in conformance with the intent of this chapter.

§ 103-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. **Domestic Use:** The non-commercial raising or keeping of livestock, poultry, or rabbits by the owner or occupant of the property on which such livestock, poultry, or rabbits are raised or kept for hobby, companionship, consumption, or other non-commercial purposes.
- B. **Livestock:** Burros, cows, donkeys, horses, mules, alpacas, llamas, sheep, goats, and swine. Shall not be construed to include dogs, cats, poultry, or rabbits, which are separately defined or regulated herein or elsewhere in the Town Code.
- C. **Nuisance:** Any condition arising from the keeping of livestock, poultry or rabbits that unreasonably interferes with the use and enjoyment of neighboring property, including but not limited to offensive odors, unsanitary conditions, excessive noise, or the attraction of rodents or other pests.
- D. **Owner or Occupant:** Any person who holds title to, leases, rents, or otherwise occupies or controls the property upon which livestock, poultry or rabbits are kept or raised.
- E. **Poultry:** Chickens, ducks, geese, guinea hens, turkeys, pigeons, and other fowl.
- F. **Rabbits:** Any domesticated animal of the family Leporidae.
- G. **Shelter:** Any structure, enclosure, coop, stall, pen, or run provided for the housing or confinement of livestock, poultry, or rabbits.

§ 103-3 Domestic use authorized; restrictions.

The raising or keeping of livestock, poultry, or rabbits for domestic use is hereby allowed, subject to the following restrictions:

- A. Any person raising or keeping livestock, poultry, or rabbits must also comply fully with the New York State Agriculture and Markets Law, the Niagara County Health Codes, and applicable Codes and Ordinances of the Town of Newfane, including any setback or building requirements.
- B. All livestock, poultry, and rabbits shall be kept in clean and sanitary conditions at all times, in a manner so as not to attract rodents or other pests. Animal waste shall be disposed of in a manner that prevents nuisance, unsanitary conditions, or sanitary problems.
- C. All livestock, poultry, or rabbits shall be confined to the property.
- D. Such raising or keeping of livestock, poultry, or rabbits must not cause a nuisance to any adjoining property or disturb persons of reasonable sensitivity as determined by the Building Inspector or Code Enforcement Officer.
- E. All livestock, poultry, and rabbits shall be kept in a manner that does not generate excessive noise. Any violation of the Noise Ordinance arising from

the keeping of livestock, poultry, or rabbits shall be enforced pursuant to the provisions of Chapter 162 of the Town Code.

§ 103-4 Shelters, minimum spaces required.

- A. All shelters for livestock, poultry, and rabbits shall conform to all applicable provisions of the Town Code, including but not limited to setback and lot coverage requirements in the Zoning provisions.
- B. Large livestock, which means livestock exceeding 14 hands in height at the shoulder, shall have a minimum of one-half (½) acre of pasture and 100 square feet of stall or three-sided run per animal.
- C. Small livestock, which means livestock of 14 hands or less in height at the shoulder, shall have a minimum of 200 square feet of pasture and 20 square feet of stall or three-sided run per animal.
- D. Poultry shall have a minimum of 8 square feet of pasture and 3 square feet of coop per animal.

§ 103-5 Enforcement, penalties.

- A. The provisions of this chapter shall be enforced by the Building Inspector or Code Enforcement Officer.
- B. Upon finding a violation of this chapter, the Building Inspector or Code Enforcement Officer may issue a written notice of violation and order to correct, providing 14 days to remedy the violation.
- C. If the violation is not corrected within 14 days, the Building Inspector or Code Enforcement Officer may issue an appearance ticket. Upon conviction, a violation of any provision of this chapter shall be punishable by a fine not exceeding \$250, imprisonment for a period not exceeding 15 days, or both such fine and imprisonment, for a first offense. A second and each subsequent offense committed within one calendar year of the first offense shall be punishable by a fine not exceeding \$500, imprisonment for a period not exceeding 15 days, or both such fine and imprisonment.
- D. Each day of continued violation shall constitute a separate and additional violation.
- E. Upon the issuance of a third notice of violation to an owner or occupant for the same or similar conditions within one calendar year, the Building Inspector or Code Enforcement Officer may order the removal of the animals that are the subject of such violations from the premises.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this local law, which shall remain in full force and effect.

SECTION 5. Effective date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.