

# Survey of Municipal Laws in Suffolk County Related to Poultry and Livestock

## Background

The keeping of poultry and livestock bring numerous environmental, health, and educational benefits to communities. Yet, due potentially to a lack of awareness of these benefits, or an overestimation of negative externalities of keeping backyard poultry and livestock, some communities prohibit or unnecessarily strictly regulate these activities making it difficult for members of the community to obtain the environmental, health, and educational benefits. Those who do keep poultry and livestock in communities prohibiting or unnecessarily strictly regulating them are, in some cases, faced with potential fines and the loss of beloved family animals.

The purpose of this study is to survey the laws of all of the towns and villages in Suffolk County with respect to the keeping of poultry and livestock. This gives residents or prospective residents of these communities an overview of the laws with respect to poultry and livestock and gives municipal officials an overview of successful poultry and livestock policies in neighboring communities. A follow-up goal of this study is to develop a model municipal law with recommendations to specific communities.

As can be seen, with a few pockets, Suffolk County is largely friendly to the keeping of poultry and horses. On livestock, the position of communities are more mixed, although Suffolk County is still largely favorable to the keeping of livestock.

## Criteria

Whether a town or village has a “homesteader friendly poultry law” or a “homesteader friendly livestock law” is dependent the existence and extent of numerical restrictions and on the extent of accessory structure setback requirements specifically applicable to poultry or livestock structures.

### *Homesteader Friendly Poultry Law*

Generally, consistent with section 354(4) of the New York State Agricultural and Markets Law which makes sale of less than six of any baby poultry a misdemeanor, there must be a minimum of six poultry permitted for a town or a village to have what this study defines as a “homesteader friendly poultry law.” Setbacks for coops need to be largely consistent with the setback requirements for accessory structures in the community. For example, if a community is zoned for higher acreage and all accessory structures have a 100 foot setback from any property line, a 100 foot property line setback for a coop would also be reasonable. On the other hand, in a community zoned for a tenth of an acre where there are ten foot accessory structure property line setbacks, a 100 foot property line setback for a coop is unreasonable and exclusionary.

Where a special permit is required for the keeping of any poultry, the town or village is usually categorized as not being “homesteader friendly.” There is an exception for a community that detailed and generous criteria for when a permit is granted.

### *Homesteader Friendly Livestock Law*

Generally, there must be a minimum of four livestock permitted for a town or a village to have what this study defines as a “homesteader friendly poultry law.” This is because most livestock benefit from a companion of the same species and, for dairy, it may be necessary to have one or two babies. With respect to setbacks for livestock structures, the analysis is the same as for poultry. The setback needs to be largely consistent with the setback requirements for accessory structures in the community. For example, if a community is zoned for higher acreage and all accessory structures have a 100 foot setback from any property line, a 100 foot property line setback for a livestock structure would also be reasonable. On the other hand, in a community zoned for a tenth of an acre where there are ten foot accessory structure property line setbacks, a 100 foot property line setback for a livestock structure is unreasonable and exclusionary.

As with poultry, where a special permit is required for the keeping of any livestock, the town or village is usually categorized as not being “homesteader friendly.” There is an exception for a community that detailed and generous criteria for when a permit is granted.

### **Limitations**

The below study has some limitations. For example, general nuisance laws (such as noise or smell restrictions of general application) are not evaluated. Only the rules with respect to residentially zoned property has been evaluated unless otherwise noted and areas zoned for multifamily houses are excluded. Commercial uses and activities involving poultry or livestock are not within the scope hereof. In areas with a homeowner’s association, the homeowner’s association, if it has the authority to regulate poultry or livestock activities, may have its own restrictions, the validity or scope of which are not evaluated herein. Neither this report nor anything contained herein is legal advice and the individual laws and, potentially, a lawyer needs to be consulted for any individual situation. This report is meant to provide an overview of the laws relating to poultry and livestock to assist with municipal planning and the development of general regional policy.

## Report

### A. *Town of Shelter Island*

#### 1. Shelter Island (town)

**Laws Available:** <http://ecode360.com/SH0746>

**Numerical Restriction:** No.

**Setback Requirements:** Poultry and livestock cannot be penned within 40 feet of a lot line.

**Other Limitations:** N/A.

**Citation:** Town of Shelter Island Code, §§ 133-6(E)(1)(c), 133-7(E)(1)(c), 133-8(E)(1)(c), & 133-10(E)(1)(c)

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** N/A.

#### 2. Dering Harbor (village):

**Laws Available:** <http://deringharborcommunity.mylaketown.com/DHC> (not official source)

**Numerical Restriction:** Absolute prohibition.

**Setback Requirements:** All fowl and other animals are prohibited.

**Other Limitations:** N/A.

**Citation:** Town of Shelter Island Code, §§ 3-302(1) & (2)

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** Probably irrelevant since, as of the 2010 Census, Dering Harbor had 11 full-time residents. See <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

### B. *Town of Southold*

#### 1. Southold (town)

**Laws Available:** <http://ecode360.com/SO0452>

**Numerical Restriction:** Flock of fowl with more than 25 birds and any livestock is prohibited in the “hamlet district” and the “affordable housing district.” (Both are permitted, with setback requirements, in areas zoned for one acre or more). It is not clear whether structures containing a flock of fowl smaller than 25 birds are permitted in the “hamlet district” or “affordable housing district” as “customary structures or uses which are customarily incidental to the principal use. . . .” Ducks kept for personal or family use fewer in number than 100 do not require a permit.

**Setback Requirements:** Three feet side and back yard setbacks for flocks of fowl with 25 birds or fewer. For livestock in areas zoned for one acre or more, accessory structures

must be 40 feet from any boundary line. For flocks of fowl with more than 25 birds, accessory structures must be 50 feet from any boundary line.

**Other Limitations:** N/A.

**Citation:** Town of Southold Code, §§ 280-13(C)(1), 280-13(C)(8), 280-17(C)(1), 280-22(C)(1), 280-27(B)(1), and 83-2.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** The Town of Southold also has a “Farmers Bill of Rights” law providing a “right to farm” (*see* Town of Southold Code §§ 280-97 through 103).

Section 280-13(C)(8) specifically provides that any accessory structure related to “domestic animals” must be within 40 feet of any lot line and sections 280-22(C)(1) and 280-27(B)(1) do not permit this use within the hamlet district and affordable housing district. However, “fowl” are treated distinctly from “domestic animals” in 280-13(C)(8) (and in 2-13(A)(2)(b)) and, accordingly, there is a strong inference that only the 3 foot side and rear yard accessory structure setback for structure less than 10,000 square feet and less than 18 feet tall applies for flocks smaller than 25 in the areas zoned for 1 acre or more. *See* section 280-15.

The author was able to locate very few “hamlet districts” and no “affordable housing districts” on the zoning map for the Town of Southold. *See* <http://www.southoldtownny.gov/index.aspx?NID=401>. Therefore, the question of whether or not having an accessory structure for keeping poultry fewer in number than 25 is permitted or not only impacts a very small proportion of the town.

## 2. Greenport (village)

**Laws Available:** <http://ecode360.com/GR0542>

**Numerical Restriction:** Prohibited unless they can be defined as “customary household pets” in which case they are limited to three.

**Setback Requirements:** Prohibited except as noted above.

**Other Limitations:** N/A.

**Citation:** Village of Greenport Code, §§ 150-7(C)(5) & 150-8(C).

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** The code is unclear as to in what circumstances poultry or livestock is a customary *household* pet.

C. *Town of Riverhead*

1. Riverhead (town)

**Laws Available:** <http://ecode360.com/RI0508>

**Numerical Restriction:** None in areas zoned for 2 acres (zones A-80 and B-80) and in “hamlet residential” areas. In other residential areas (A-40 and B-40) it is unclear whether the keeping of poultry or livestock is permitted.

**Setback Requirements:** None specifically applicable to poultry or livestock in areas zoned for 2 acres (zones A-80 and B-80) and in “hamlet residential” areas.

**Other Limitations:** N/A.

**Citation:** Town of Riverhead Code, §§ 108-16(A)(1)(e), 108-20.22(A)(1)(e), 108-8(C), 108-12(C), and 108-121(A)(4)(e).

**Homesteader Friendly Poultry Laws:** Mixed. Yes in areas zoned for 2 acres and unclear in other areas.

**Homesteader Friendly Livestock Laws:** Mixed. Yes in areas zoned for 2 acres and unclear in other areas.

**Analysis:** The Town of Riverhead also has an “Agricultural Lands Preservation” law providing a “right to farm” (*see* Town of Riverhead Code §§ 44-1 through 44-6).

The residential areas other than zones A-80, B-80, and the hamlet residential zone allow for “those uses customarily incidental to . . . permitted uses. . . .” A permitted use includes a one family dwelling. Whether this passage permits the keeping of a number of poultry or livestock as an activity “customarily incidental” to a single family home is not clear. The better view would be that it is a permitted activity.

For the zoning map for the Town of Riverhead *see* <http://www.townofriverheadny.gov/docview.aspx?docid=41570>.

D. *Town of Easthampton*

1. Easthampton (town)

**Laws Available:** <http://www.ecode360.com/EA0658>

**Numerical Restriction:** None.

**Setback Requirements:** For accessory structures for the quartering of horses, pigs, sheep, or cattle there is a 10 foot lot line setback (in addition to any other generally applicable setbacks) though no setback is required for property adjoining perpetually agricultural lots or roads.

**Other Limitations:** N/A.

**Citation:** Town of Easthampton Code, § 255-11-20(F).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** The Town of Easthampton also has a “Right to Farm” law (*see* Town of Southampton Code §§ 134-1 through 134-6).

2. Easthampton (village)

**Laws Available:** <http://ecode360.com/EA0361>

**Numerical Restriction:** None.

**Setback Requirements:** Buildings in which “farm animals” are kept must be not less than 20 feet from any lot line. The term “farm animals” is undefined and it is not clear if poultry are included.

**Other Limitations:** “Animals, fowl, ducks” unduly affecting the public peace of the village or the public health therein are prohibited.

**Citation:** Village of Easthampton Code, § 211-4 & 278-2(B)(5).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** N/A.

3. Sag Harbor (village)

**Laws Available:** <http://ecode360.com/SA0314>

**Numerical Restriction:** Chicken hens only. One per 3,500 sq. ft. of lot area with a hard cap of 18. Prohibition on roosters, all other fowl, and livestock.

**Setback Requirements:** Coop must be in the rear yard, no less than 100 sq. ft., with a 20 foot setback from any rear or side lot lines.

**Other Limitations:** Requires special permit (\$50 fee) and hearing. Unfenced ranging is impermissible.

**Citation:** Village of Sag Harbor Code, §§ 80-9, 300-9.1(10), and 300-11.21.

**Homesteader Friendly Poultry Laws:** Mixed. (Permit process and limitations are potentially cumbersome).

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** N/A.

E. *Town of Southampton*

1. Southampton (town)

**Laws Available:** <http://ecode360.com/SO0286>

**Numerical Restriction:** Raising of “small numbers of livestock and/or poultry for personal consumption.”

**Setback Requirements:** Shelters for livestock and poultry must be 150 feet from street and 200 from property line.

**Other Limitations:** N/A.

**Citation:** Town of Southampton Code, §§ 330-79(A)(2) & Table of Use Regulations.

**Homesteader Friendly Poultry Laws:** Mixed. (Setbacks are strict).

**Homesteader Friendly Livestock Laws:** Mixed. (Setbacks are strict).

**Analysis:** N/A.

2. North Haven (village)

**Laws Available:** <http://ecode360.com/NO1009>

**Numerical Restriction:** Chicken hens only. Six per 20,000 sq. ft. of lot area with a hard cap of 18. Prohibition on roosters. Horses, cattle, sheep, goats and “similar” domestic animals are limited to two acre properties with one per acre.

**Setback Requirements:** Coop must be in the rear yard, no less than 100 sq. ft., with a 20 foot setback from any rear or side lot lines. Stable or other structure must be 150 feet from any street or property line.

**Other Limitations:** Requires special permit and hearing. Unfenced ranging is impermissible.

**Citation:** Village of North Haven Code, §§ 163-10(B)(3) & 163-10(E)(7)(9).

**Homesteader Friendly Poultry Laws:** Yes. (Note: permit process and limitations are potentially cumbersome).

**Homesteader Friendly Livestock Laws:** Mixed. (Note: permit process, numerical limit, and acreage requirement are potentially cumbersome).

**Analysis:** N/A.

3. Quogue (village)

**Laws Available:** <http://ecode360.com/QU1026>

**Numerical Restriction:** Possibly prohibited.

**Setback Requirements:** N/A.

**Other Limitations:** N/A.

**Citation:** Village of Quogue Code, §§ 196-13(B) & 196-16(C).

**Homesteader Friendly Poultry Laws:** No. (Too little clarity on whether non-commercial poultry or livestock activities are permitted.)

**Homesteader Friendly Livestock Laws:** No. (Too little clarity on whether non-commercial poultry or livestock activities are permitted.)

**Analysis:** Section 196-16 enumerates the potential uses for structures. No use specifically references housing for animals. Therefore, it is not clear to what extent that a structure such as a “tool shed” (permitted under section 196-13(B)(1)) can be incidentally utilized to house poultry.

There is an explicit prohibition on land or a structure being used as “a farm, coop, yard or other structure or enclosure for the raising, breeding, care, housing or maintaining, for commercial purposes, of horses, cows, sheep, dogs, cats, reptiles, ducks, chickens or any other animals, fowls or birds. . . .” However, “for commercial purposes” seems to qualify all of the antecedents. This means that the explicit prohibition only appear to apply to commercial activities and it could be inferred that incidental non-commercial activities are permitted. Unlike most other towns or villages, accessory structures for other “customary or incidental” uses to a dwelling are not permitted without a finding from the Board of Appeals.

#### 4. Sagaponack (village)

**Laws Available:** <http://ecode360.com/SA2797>

**Numerical Restriction:** Chicken hens only. Six per 20,000 sq. ft. of lot area with a hard cap of 18. Prohibition on roosters. Also, raising of “small numbers of livestock and/or poultry for personal consumption. . . .” is permitted.

**Setback Requirements:** Coop must be in the rear yard, no less than 200 sq. ft., with a 30 foot setback from any rear or side lot lines. Shelters for livestock and fur- and wool-bearing animals must be 150 feet from street and 200 from property line.

**Other Limitations:** For the six per 20,000 sq. ft. of chickens, a special permit and hearing is required and unfenced ranging is impermissible.

**Citation:** Village of Sagaponack Code, §§ 245-4, 245-35(A)(2), 245-35(C), 245-7(A), & Table of Use Regulations.

**Homesteader Friendly Poultry Laws:** Yes. (Note: permit process and limitations are potentially cumbersome).

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** There appear to be two avenues, one is the permitting process explicitly established for chickens which has the 30 foot setbacks referenced above and the other is the inclusion of “small numbers of livestock and/or poultry for personal consumption” in the definition of “agriculture,” an activity permitted in residential zones which has stricter setbacks.



5. Southampton (village)

**Laws Available:** <http://ecode360.com/SO0841>

**Numerical Restriction:** Prohibition (annual temporary permits available).

**Setback Requirements:** N/A.

**Other Limitations:** N/A.

**Citation:** Village of Southampton Code, §§ 116-9(A)(12)(b), 116-9(A)(12)(c)

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** Annual temporary permits are available for poultry and livestock. A minimum of 60,000 sq. ft. of the lot must be used.

6. Westhampton Beach (village)

**Laws Available:** <http://ecode360.com/WE0779>

**Numerical Restriction:** None.

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** An accessory structure is permitted so long as it is a “use customarily incidental and subordinate to the principal use of a building and property and when located on the same plot with such principal use or building.”

**Citation:** Village of Westhampton Beach Code, §§ 197-1, 197-6(A)(2), 197-7(A)(3), 197-8(A)(2), 197-9(A)(3), & 197-10(A)(3).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** There is no law specific to poultry or livestock.

7. Westhampton Dunes (village)

**Laws Available:** <http://www.ecode360.com/WE2990>

**Numerical Restriction:** None.

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** An accessory structure is permitted so long as it is a “customary accessory structure and/or use. . . .”

**Citation:** Village of Westhampton Dunes Code, § 560-16(J) & Table of Use Regulation.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** There is no law specific to poultry or livestock.

F. *Town of Brookhaven*

1. Brookhaven (town)

**Laws Available:** <http://ecode360.com/BR0012>

**Numerical Restriction:** Six hens comprised solely of chickens, ducks, and geese unless a permit is obtained. Fifty to 200 pigeons depending on size of property. Minimum plot of 40,000 sq. ft. for horses with two horses per 40,000 sq. ft. up to a maximum of eight horses. No livestock without a permit.

**Setback Requirements:** Fifty feet from any lot line save for pigeons which must be fifteen feet from any lot line and 100 feet from any residential structure.

**Other Limitations:** N/A.

**Citation:** Town of Brookhaven Code, §§ 85-1, 85-892(B), 85-892(A), 85-190(C)(4), 85-197(A)(1), 85-204(A)(1), 85-211(A)(1), 85-218(A)(1), 85-225(A)(1), 85-239(A)(1)(a), and 85-246(A)(1)(a).

**Homesteader Friendly Poultry Laws:** Mixed. (Setbacks are severe.)

**Homesteader Friendly Livestock Laws:** No. (Permit required for other than horses.)

**Analysis:** The Town of Brookhaven also has a “Farmland Bill of Rights” (*see* Town of Brookhaven Code § 85-925).

2. Belle Terre (village)

**Laws Available:** Not available online. Available from 631-928-0020.

**Numerical Restriction:**

**Setback Requirements:**

**Other Limitations:**

**Citation:**

**Homesteader Friendly Poultry Laws:**

**Analysis:**

3. Bellport (village)

**Laws Available:** [https://www.municode.com/library/ny/bellport/codes/code\\_of\\_ordinances](https://www.municode.com/library/ny/bellport/codes/code_of_ordinances)

**Numerical Restriction:** Absolute prohibition save for with respect to horses.

**Setback Requirements:** For horses, 50 feet from a dwelling other than the owner’s and 25 feet from the owner’s dwelling.

**Other Limitations:** N/A.

**Citation:** Village of Bellport Code, § 21-418(1), (3), & (4).

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** N/A.

4. Lake Grove (village)

**Laws Available:** No. Village Administrator: 631-585-2000.

**Numerical Restriction: Setback Requirements:**

**Other Limitations:**

**Citation:**

**Homesteader Friendly Poultry Laws:**

**Analysis:**

5. Mastic Beach (village)

**Laws Available:** <http://ecode360.com/MA3076>

**Numerical Restriction:** None.

**Setback Requirements:** Housing for fowl must be 50 feet from any dwelling and stables must be 150 feet from any dwelling.

**Other Limitations:** In areas zoned as R-1, “other customary accessory uses and buildings” are permitted. In areas zoned as R-2, there is no such permissive clause.

**Citation:** Village of Mastic Beach Code, §§ 160-5, 160-3(E), & 530-3-1.2(A)(6).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** There is also a section numerically limiting cats and dogs. (*See* section 160-3(E)). It is presumed that this section is not a limitation of animals exclusively to cats and dogs.

It is not clear whether the lack of a clause explicitly permitting “other customary accessory uses and buildings” for areas zoned R-2 is intentional since in that section of the code there are passages discussion dimensions of accessory structures. Also, the section references to the R-1 and R-2 zonings sections are erroneously the same.

6. Old Field (village)

**Laws Available:** <http://ecode360.com/OL0629>

**Numerical Restriction:** None except for horses and other equine livestock. For horses and other equine livestock, there is a minimum one acre of land required and one horse per acre up to a maximum of eight horses.

**Setback Requirements:** All housing for poultry or livestock must be 25 feet from all property boundaries and 75 feet from neighboring dwellings. Horse or equine livestock stables must be in the side or rear yard.

**Other Limitations:** Poultry pens and enclosures must be a minimum of 6 feet high, and all other enclosures may be up to 6 feet high. There needs to be “adequate screening” of pens and enclosures from neighbors. Horse or equine livestock stable must be a minimum of 100 square feet per animal.

**Citation:** Village of Old Field Code, §§ 5-5, 121-10(A), & 121-10(C).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** N/A.

7. Patchogue (village)

**Laws Available:** <http://ecode360.com/PA0323>

**Numerical Restriction:** Absolute prohibition on structure for fowl, swine, goats, sheep, horses, rabbits, fox, or mink (not clear whether “cattle” is intentionally omitted).

**Setback Requirements:** Absolute prohibition.

**Other Limitations:** N/A.

**Citation:** Village of Patchogue, § 143-5.

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** N/A.

8. Poquott (village)

**Laws Available:** <http://ecode360.com/PO2249>

**Numerical Restriction:** Horses or “similar domestic animals” are limited to one for the first 40,000 square feet in lot area and then one for each additional acre. None for poultry or other livestock.

**Setback Requirements:** Stables must be 50 feet from the street or a property line.

**Other Limitations:** A “farm” or a “farm use” requires a special permit. There is no definition as to what constitutes a “farm” or a “farm use” though commercialization is probably a necessary element. There is also a provision reading “Harboring or possessing of pigeons and fowl not permitted without permits from New York State Department of Wildlife and the Village of Poquott is not allowed.” Although worded imperfectly, the intent seems to be to prohibit possession of a pigeon or fowl that requires a New York State Department of Environmental Conservation permit to possess, for example, a pheasant.

**Citation:** Village of Poquott Code, §§ 38-6(D), 183-13(B)(2)(b), 183-13(C)(5), 193-13(C)(7), & 183-15.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** The residential areas allow for accessory structures for “[o]ther customary accessory uses and buildings, provided such uses are incidental to the principle use. . . .” Whether this passage permits the keeping of a number of poultry or livestock (other than horses or “similar domestic animals” which are expressly covered by section 183-13(c)(5)) as an activity “customarily” and “incidental” to a single family home is not clear. The better view would be that it is a permitted activity.

9. Port Jefferson (village)

**Laws Available:** <http://ecode360.com/PO0346>

**Numerical Restriction:** Bovines, pigeons, swine, goats, rabbits, foxes, and mink required a permit. For horses and other equine livestock, there is a minimum one acre of land required and one horse per acre maximum. There is no numerical restriction on the keeping of poultry or sheep.

**Setback Requirements:** All housing for poultry or livestock must be 50 feet from all property boundaries. Horse or equine livestock stables must be in the side or rear yard.

**Other Limitations:** Poultry pens and enclosures must be a minimum of 6 feet high, and all other enclosures may be up to 6 feet high. There needs to be “adequate screening” of pens and enclosures from neighbors. Horse or equine livestock stable must be a minimum of 110 square feet per animal.

**Citation:** Village of Port Jefferson Code, § 117.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** No. (Friendly with respect to sheep; permit required for all others.)

**Analysis:** N/A.

#### 10. Shoreham (village)

**Laws Available:** [http://www.shorehamvillage.org/Local\\_Laws/village\\_code\\_index.html](http://www.shorehamvillage.org/Local_Laws/village_code_index.html)

**Numerical Restriction:** None.

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** N/A.

**Citation:** Village of Shoreham Code, § 3-5.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** The code permits “accessory uses customarily incidental” to a dwelling.

Whether this passage permits the keeping of a number of poultry or livestock as an activity “customarily incidental” to a single family home is not clear. The better view would be that it is a permitted activity.

### G. *Town of Smithtown*

#### 1. Smithtown (town)

**Laws Available:** <http://ecode360.com/SM0115>

**Numerical Restriction:** No.

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** N/A.

**Citation:** Town of Smithtown Code, §§ 332-3, 322-8, & Table of Use Regulations.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** N/A.

#### 2. Head of the Harbor (village)

**Laws Available:** <http://www.ecode360.com/HE1202>

**Numerical Restriction:** For horses “and other common domestic animals,” there is a minimum of two acres with a limit of one per acre. The term “common domestic animals” is left undefined. There is a separate section appearing to authorize “egg production.” This could be read to treat poultry as unbound by the one acre per animal limit for horses “and other common domestic animals.”

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** N/A.

**Citation:** Village of Head of the Harbor Code, §§ 165-5, 165-23(C)(5), 165-23(C)(9), & 165-23(B)(3).

**Homesteader Friendly Poultry Laws:** Mixed. (Lack of clarity in code.)

**Homesteader Friendly Livestock Laws:** Mixed. (Unduly strict numerical limitation.)

**Analysis:** The code in one section dating from 1990 requires a permit for “agricultural pursuits” and in another dating from 2005 does not require a permit for “agricultural pursuits.” The term “agricultural pursuits” includes “[p]roducing dairy products, including eggs, poultry and honey” and “[r]aising and keeping horses and other farm animals. . . .”

Since the 2005 provision is later and more permissive, the better view is that it applies and that the above activities do not require a permit (though, a separate provision provides the numerical limit for horses “and other common domestic animals. . . .”

### 3. Nissequogue (village)

**Laws Available:** <http://ecode360.com/NI0891>

**Numerical Restriction:** For horses “and other similar domestic animals,” there is a minimum of two acres with a limit of one per acre. Not clear if poultry falls within this section or is prohibited.

**Setback Requirements:** For a stable for a horse “and any other similar domestic animals” there is 100 foot setback requirement from any street or property line.

**Other Limitations:** N/A.

**Citation:** Village of Nissequogue Code, §§ 128-23(A), 128-23€, 128-22(A)(2), & 128-20.

**Homesteader Friendly Poultry Laws:** No. (Lack of clarity in code.)

**Homesteader Friendly Livestock Laws:** Mixed. (Unduly strict numerical limitation.)

**Analysis:** Section 128-23 enumerates the potential uses for structures. No use specifically references housing for animals. Therefore, it is not clear to what extent that a structure such as a private garden house, tool house, playhouse, greenhouse, bathhouse, boathouses, or similar private accessory use not for commercial or public purposes” can be incidentally utilized to house poultry.

There is an explicit requirement that keeping, among others, poultry, for commercial use requires a permit. It could be argued that this is evidence that the explicit prohibition only appears to apply to commercial activities and it could be inferred that incidental non-commercial activities are permitted.

4. Village of the Branch (village)

**Laws Available:** <http://ecode360.com/VI0401>

**Numerical Restriction:** No.

**Setback Requirements:** For horse, sheep, cattle, or “nondomesticated animals,” 250 feet from a dwelling. Presumably, for poultry, goats, and other domesticated animals, there is no stated setback.

**Other Limitations:** N/A.

**Citation:** Village of the Branch Code, §§ 85-402, & 85-502.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Mixed. (Yes, with respect to goats; no with respect to horse, sheep, or cattle due to draconian setback requirement.)

**Analysis:** N/A.

## H. *Town of Islip*

### 1. Islip (town)

**Laws Available:** <http://ecode360.com/IS0324>

**Numerical Restriction:** For poultry, limited to 15 per 400 square feet of yard area dedicated. For horses, ponies, or other equine livestock, permit is required and limited to two for every 20,000 square feet of lot. For pigeons, one square foot of coop space for each pigeon. Livestock other than equine livestock is unaddressed.

**Setback Requirements:** Poultry must be in the rear yard, with way to keep them from leaving the property, and with a 10 foot setback from property line. Horse, pony, and equine livestock stables must be 50 feet from neighboring dwellings and ten feet from all property lines.

**Other Limitations:** For horses, ponies, and equine livestock, there must be 50 sq. feet of stall space per animal, with four foot stall dividers, and no more than two inches of space between bottom of stall and floor. There must be corral space of 400 square feet per horse, pony, or equine livestock with a five foot fence.

**Citation:** Town of Islip Code, §§ 12-27(A), 12-29, 12-31, 12-33, 68-48(A)(j), 68-105, 68-75, & 68-60.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** Livestock other than equine livestock are not addressed. However, “customary accessory uses” are permitted in all but ocean dune areas.

### 2. Brightwaters (village)

**Laws Available:** <http://ecode360.com/BR0326>

**Numerical Restriction:** Absolute prohibition of “livestock, pigs, hogs, cattle, poultry, horses or other animals” other than “ordinary household pets.” The status of goats or sheep, accordingly, are unclear.

**Setback Requirements:** N/A.

**Other Limitations:** N/A.

**Citation:** Village of Brightwaters Code, § 50-11

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** N/A.

### 3. Islandia (village)

**Laws Available:** <http://ecode360.com/IS1122>



**Numerical Restriction:** For poultry, limited to 15 per 500 square feet of yard area dedicated. For horses, ponies, or other equine livestock, permit is required and limited to two for every one acre. For pigeons, one square foot of coop space for each pigeon. Livestock other than equine livestock are unaddressed.

**Setback Requirements:** Horse, pony, and equine livestock stables must be 50 feet from neighboring dwellings and ten feet from all property lines.

**Other Limitations:** Poultry must be fenced. For horses, ponies, and equine livestock, there must be 50 sq. feet of stall space per animal, with four foot stall dividers, and no more than two inches of space between bottom of stall and floor. There must be corral space of 400 square feet per horse, pony, or equine livestock with a five foot fence.

**Citation:** Village of Islandia Code, §§ 67-17, 67-19, 67-20, 177-57(A)(g), Table of Use Regulations.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** Livestock other than equine livestock are not addressed. However, “other customary accessory uses” are permitted. Moreover, “agriculture” is permitted in residential districts (it is not defined).

#### 4. Ocean Beach (village)

**Laws Available:** <http://ecode360.com/OC0808>

**Numerical Restriction:** No.

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** N/A.

**Citation:** Village of Ocean Beach Code, § 164-19(A)(2).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** The code does not specifically address poultry or livestock, other than some sections which prohibit certain activities related to horses. There is a clause permit “other customary accessory uses” for accessory structures.

With a tiny over-Winter population, the laws of this Fire Island beach community affect a very small number.

#### 5. Saltaire (village)

**Laws Available:** <http://www.saltire.org/code.htm>

**Numerical Restriction:** Specific prohibition of livestock or wild animals with horses only allowed to go through the village via the ocean beach. No specific provisions regarding poultry. However, permitted structures are limited to purposes not including poultry or a related category.

**Setback Requirements:** N/A.

**Other Limitations:** N/A.

**Citation:** Village of Saltaire Code, §§ 5-4, 55-4(C).

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** With a tiny over-Winter population, the laws of this Fire Island beach community affect a very small number.

## I. *Town of Huntington*

### 1. Huntington (town)

**Laws Available:** <http://www.ecode360.com/HU0566>

**Numerical Restriction:** For poultry, limited to 8 chicken hens (no roosters) or ducks.

There is a maximum of 50 pigeons. There is a maximum of three horses per acre.

“[S]mall animals . . . commonly considered to be household pets . . .” are permitted with the exclusion of cattle, mink, fowl other than chickens or ducks, and “exotic animals. . . .” Accordingly, it is possible that goats and sheep could fit within the “small animal” exception.

**Setback Requirements:** For chicken hens and ducks, structure cannot be in the front yard and must be 25 feet from side or rear property lines. For horses and other “equine livestock” stables cannot be in the front yard and must be 30 feet of any side or rear boundary (though it need not exceed 75 feet) and fenced enclosures must be at least 10 feet of rear or side yard, with some exceptions for corner lots.

**Other Limitations:** Minimum of two square feet per bird in the chicken hen or duck henhouses and maximum of five square feet per bird. Minimum of one square feet per bird for pigeons. All chicken hen, duck, and pigeon housing must be screened.

**Citation:** Town of Huntington Code, §§ 28-24(B)(3), 28-24(B)(4), 28-25, 198-13(B)(4), & 198-13(B)(5).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Mixed. Friendly with respect to horses, potentially friendly with respect to goats and sheep, and unfriendly with respect to cattle, geese, guinea fowl, and fowl other than chickens or ducks.

**Analysis:** N/A.

### 2. Asharoken (village)

**Laws Available:** <http://www.asharoken.com/code/Asharoken-Village-Code-20120727.pdf>

**Numerical Restriction:** None specifically applicable to poultry or livestock in Eatons Neck or Duck Island portions of the Village of Asharoken (this would seem to solely be “the strip,” i.e., the isthmus leading from Long Island to Eatons Neck; *see*

<http://asharoken.com/masterplan/AsharokenMasterPlan2009-09-18.pdf>, p. 8). A permit for poultry is required elsewhere.

**Setback Requirements:** N/A.

**Other Limitations:** N/A.

**Citation:** Village of Asharoken Code, §§ 57, 125-7(F).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** The code permits accessory uses “clearly incidental to and customarily found in connection with . . . [a] permitted use of the premises.” Whether this passage permits the keeping of a number of poultry or livestock as an activity “incidental” to a single family home is not clear. The strong view in this case would be that it is a permitted activity because the comprehensive master plan of Asharoken acknowledges that the keeping of poultry and livestock is unregulated. *See* <http://asharoken.com/masterplan/AsharokenMasterPlan2009-09-18.pdf>, p. 60.

### 3. Huntington Bay (village)

**Laws Available:** <http://www.ecode360.com/HU0601>

**Numerical Restriction:** Absolute prohibition of all poultry and livestock.

**Setback Requirements:** N/A.

**Other Limitations:** N/A.

**Citation:** Village of Huntington Bay Code, § 20-7.1.

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** N/A.

#### 4. Lloyd Harbor (village)

**Laws Available:** <http://www.humeswagner.com/docs/LHCode-Chap205.pdf>

**Numerical Restriction:** There is a limit of one per acre and registration required for “domesticated sheep, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit or pheasant or other bird. It is not clear whether “fowl” in the phrase “fowl, duck, goose, swan, turkey . . . pheasant or other bird . . . raised . . . under license from the state Department of Environmental Conservation before release from captivity . . .” refers to “chicken” or “guinea fowl.” The better view is that it refers to the latter since “fowl” as a reference to “any poultry” would duplicate the other references to specific poultry. There is a two horse per acre maximum and registration is also required. Beekeeping is explicitly permitted.

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** Must be securely penned.

**Citation:** Village of Lloyd Harbor Code, §§ 205-2, 205-9, 205-9(B)(2), 205-9(B)(4), & 205-9(B)(5). 12-27(A), 12-29, 12-31, 12-33, 68-48(A)(j), 68-105, 68-75, & 68-60.

**Homesteader Friendly Poultry Laws:** No. (See analysis below.)

**Homesteader Friendly Livestock Laws:** No. (Permitting requirement and unduly strict numerical limitation.)

**Analysis:** The status of chickens under the code is unclear due to the use of “fowl,” a word usually connoting any poultry, in a context that appears to mean “guinea fowl.” Either chickens are unregulated or they are treated equivalently to cattle in registration and the limitation of one per acre. Since New York State Agricultural and Markets Law section 354(3) makes it a misdemeanor to sell less than six baby chicks, duckling or other fowl, it seems unlikely that the code intends to limit chickens to one per acre.

#### 5. Northport (village)

**Laws Available:** <http://ecode360.com/NO0083>

**Numerical Restriction:** None.

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** N/A.

**Citation:** Village of Northport Code, §§ 306-5 & 306-10.

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** Yes.

**Analysis:** Accessory building “reasonably necessary to and incidental to the conduct of the primary use of each building or main use and which is also dependent upon the predominant building or use” is acceptable. The better view is that the keeping of poultry or livestock is “reasonably necessary to and incidental to” a dwelling.

J. *Town of Babylon*

1. Babylon (town)

**Laws Available:** <http://ecode360.com/BA0924>

**Numerical Restriction:** None for poultry or livestock save for a limit to 100 pigeons and one square foot of coop space per pigeon.

**Setback Requirements:** 100 feet from any dwelling for livestock and 100 feet from neighboring dwelling for less than or equal to 30 poultry or fish. For 31 to 100 poultry or fish, 200 feet from neighboring dwelling. For 101 to 500 poultry or fish, 300 feet from neighboring dwelling. For more than 500 poultry or fish, 1,000 feet from neighboring dwelling.

**Other Limitations:** No unpenned free ranging.

**Citation:** Town of Babylon Code, §§ 106-12 through 106-19.

**Homesteader Friendly Poultry Laws:** Mixed. (Setback of 100 feet from neighboring dwellings for any poultry is unduly strict.)

**Homesteader Friendly Livestock Laws:** Mixed. (Setback of 100 feet from any dwelling for livestock is unduly strict.)

**Analysis:** The town is given an explicit “right of entry” in animal enclosures which is unnecessarily invasive for non-commercial activities.

2. Babylon (village)

**Laws Available:** <http://ecode360.com/BA0592>

**Numerical Restriction:** No poultry or livestock permitted without a permit unless “household pets”.

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** N/A.

**Citation:** Village of Babylon Code, §§ 79 & 365-62.

**Homesteader Friendly Poultry Laws:** No.

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** No “animals” or “fowl” permitted without a permit save for “household pets.” Animals “[i]ncludes livestock, pigs, hogs, goats, cows, sheep, cattle, horses, ponies, more than two rabbits kept as household pets, or wild animals.” Fowl “[i]nclude chickens, ducks, turkeys, geese, pigeons and other poultry or domestic birds usually used for food purposes.” Household pet is defined as “A small animal (generally under 150 pounds) that is customarily kept for company or enjoyment and one that may be properly and safely kept within a dwelling unit or yard. Household pets shall include dogs, cats, pet rabbits, domestic tropical birds, rodents (gerbils, hamsters and guinea pigs) and reptiles and amphibians.” It is not clear whether for example, a chicken, sheep, or goat kept as a household pet is permitted.

### 3. Amityville (village)

**Laws Available:** <http://ecode360.com/AM0762>

**Numerical Restriction:** 12 poultry and no “horse, farming animal or draft animal” permitted.

**Setback Requirements:** 200 feet from neighboring dwelling.

**Other Limitations:** No unpenned free ranging.

**Citation:** Village of Amityville Code, §§ 39-9 through 39-12 and 183-9(D).

**Homesteader Friendly Poultry Laws:** No. (Setback of 200 feet from neighboring dwellings for any poultry is draconian.)

**Homesteader Friendly Livestock Laws:** No.

**Analysis:** It is not clear what animals might constitute a “farming animal or draft animal.” For example, what would the status be of a goat or sheep kept as a family pet?

### 4. Lindenhurst (village)

**Laws Available:** <http://ecode360.com/LI0062>

**Numerical Restriction:** None for poultry and prohibition without a permit for “hogs, goats, cows, sheep, cattle, horses, ponies, pigs or similar animals.”

**Setback Requirements:** None specifically applicable to poultry or livestock.

**Other Limitations:** No slaughtering of any animal permitted.

**Citation:** Village of Lindenhurst Code, §§ 67-22, 67-24, 67-26, & 193-159(F).

**Homesteader Friendly Poultry Laws:** Yes.

**Homesteader Friendly Livestock Laws:** No. (Permit requirement.)

**Analysis:** N/A.

## Annex A: Summary of Suffolk County Local Laws

<b>Name</b>	<b>Town or Village</b>	<b>Location within Town</b>	<b>Homesteader Friendly Poultry Law?</b>	<b>Homesteader Friendly Livestock Law?</b>
Shelter Island	Town	Shelter Island	Yes	Yes
Dering Harbor	Village	Shelter Island	No	No
Southold	Town	Southold	Yes	Yes
Greenport	Village	Southold	No	No
Riverhead	Town	Riverhead	Mixed	Mixed
Easthampton	Town	Easthampton	Yes	Yes
Easthampton	Village	Easthampton	Yes	Yes
Sag Harbor	Village	Easthampton	Mixed	Mixed
Southampton	Town	Southampton	Mixed	Mixed
North Haven	Village	Southampton	Yes	Mixed
Quogue	Village	Southampton	No	No
Sagaponack	Village	Southampton	Yes	Yes
Southampton	Village	Southampton	No	No
Westhampton Beach	Village	Southampton	Yes	Yes
Westhampton Dunes	Village	Southampton	Yes	Yes
Brookhaven	Town	Brookhaven	Mixed	No
Belle Terre	Village	Brookhaven	?	?
Bellport	Village	Brookhaven	No	No
Lake Grove	Village	Brookhaven	?	?
Mastic Beach	Village	Brookhaven	Yes	Yes
Old Field	Village	Brookhaven	Yes	Yes
Patchogue	Village	Brookhaven	No	No
Poquott	Village	Brookhaven	Yes	Yes
Port Jefferson	Village	Brookhaven	Yes	No
Shoreham	Village	Brookhaven	Yes	Yes
Smithtown	Town	Smithtown	Yes	Yes
Head of the Harbor	Village	Smithtown	Mixed	Mixed
Nissequogue	Village	Smithtown	No	Mixed
Village of the Branch	Village	Smithtown	Yes	Mixed
Islip	Town	Islip	Yes	Yes
Brightwaters	Village	Islip	No	No
Islandia	Village	Islip	Yes	Yes
Ocean Beach	Village	Islip	Yes	Yes
Saltaire	Village	Islip	No	No
Huntington	Town	Huntington	Yes	Mixed
Asharoken	Village	Huntington	Yes	Yes
Huntington Bay	Village	Huntington	No	No
Lloyd Harbor	Village	Huntington	No	No
Northport	Village	Huntington	Yes	Yes
Babylon	Town	Babylon	Mixed	Mixed
Amityville	Village	Babylon	No	No
Babylon	Village	Babylon	No	No
Lindenhurst	Village	Babylon	Yes	No