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[Albany backyard chicken ordinance passes](#)

posted [May 2, 2011](#)



Someone was playing the chicken dance music in the chamber before Monday's meeting.

It's been six months since Jen Pursley and Mike Guidice [had to give up their backyard chickens](#) after someone complained to the city. And now they're on the verge of getting them back. Legally.

Monday night the Albany Common Council passed an ordinance that makes it legal to keep backyard hens in the city. But it was close.

The discussion over the backyard chicken issue had become surprisingly contentious over the last few months. At a committee meeting last month opponents had [raised a bunch of concerns about the ordinance](#), ranging from public health to the potential burden the permitting system would impose on the city's codes department to the effect chickens might have property values. Those concerns surfaced again Monday night as council members spoke before the vote.



Public comment Monday night ran strongly in favor of the ordinance. One of the speakers -- Betsy Mercogliano from the [Albany Free School](#), which has legal a chicken coop (educational variance) -- at one point went around handing out eggs from her coop to members of the council.

Supporters of the ordinance figured they probably had seven votes in favor of it -- but a deciding eighth vote wasn't a sure thing. That swing vote came from [Frank Commisso Jr](#), who represents the 15th ward ([way uptown](#), around the Pine Bush). And after all the passionate debate about this issue, Commisso was kind of low-key about the whole thing. He said during his comment:

I don't feel terribly passionate about [the ordinance] either way -- I've had a few constituents reach out say "yes," a few say "no." ... I don't think the government should be telling people "dont have birds in your backyard." And meanwhile, even if your neighbor gets birds and you don't want them, then you can override that [the ordinance includes a neighbor consent provision]. So, this law is completely written on the side of the neighbor.

And he was the eighth "yes" vote, putting the ordinance over the top. Here's how the full council voted:

Yes Calsalaro (sponsor), Smith, Conti, Fahey, Golby, Konev, O'Brien, Commisso

No: Bailey, Freeman, Jenkins-Cox, Rosenzweig, Sano, Herring, Igoe

Post game



Mike Guidice and Jen Pursley

After the vote, Mike and Jen were happy (obviously) -- and looking at the wider picture. Said Mike about the engagement the chicken issue generated:

Chickens are small -- but what we proved tonight is that a small group of residents who stay persistent, who stay positive, and work with their public officials, can change things. So chickens is the first step -- what's next? Abandoned buildings, summer youth programs, alternative transportation infrastructure -- there's all these things our city needs to do in order to give it a competitive edge for the future. So here we've learned tonight, everyone who was in that chamber, that we can change things if we put our minds to it and stay persistent and organized. So I'm looking forward to continuing that.

The ordinance still needs a signature from Jerry Jennings -- and there have been [rumors of a possible veto](#). The mayor has [10 days to do that](#) once he gets a copy of the ordinance. [both [@JCEvangelist TU](#), who [live tweeted the meeting](#)]

Said Mike of a potential veto: "We won tonight and I think we should savor that. And I think just how we approached the Common Council with persistence, with facts and with positivity, we should approach the mayor in exactly the same way -- and I don't see how he could veto it."

And they're looking forward to getting their chickens back. Said Jen: "We just cleaned out the coop this weekend. We're ready."

Earlier on AOA:

- + [Sunday Soapbox: Of government and chickens](#)
- + [Pecking at the Albany backyard chicken issue](#)
- + [The proposed Albany chicken amendment](#) (it's since been adjusted)
- + [Changing Albany's chicken laws](#)

[22 comments](#)

tags: [Albany](#), [animals](#), [civics](#), [people](#), [urban chickens](#)
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Comments

I think requiring consent of all the neighbors is going to be a serious sticking point for some with nasty neighbors...

... said Olivia on May 3, 2011 at 6:50 AM | [link](#)

A couple of years ago, I saw 3 chickens walking down the side walk. I didn't know my head could spin so fast. They had escaped their pen at a guy's house around the corner. I live in the middle of the city and seeing chickens trotting down the block made me think that I was having a stroke...

... said Chris on May 3, 2011 at 7:55 AM | [link](#)

It's great to see Albany citizens organizing the community on a grassroots level.

I hope Jen and Mike continue to rally folks and do good by this success.

... said [abby](#) on May 3, 2011 at 7:55 AM | [link](#)

Great news!

... said Josh on May 3, 2011 at 8:31 AM | [link](#)

Happy to hear this!

... said jess g on May 3, 2011 at 11:54 AM | [link](#)

"So chickens is the first step -- what's next? Abandoned buildings, summer youth programs, alternative transportation infrastructure -- there's all these things our city needs to do in order to give it a competitive edge for the future."

Great, you made a first step but why the hell were chickens first on that list? You all seem like whiny little kids who didn't get to eat their ice cream and should be embarrassed.

... said Save Pine Hills on May 3, 2011 at 11:58 AM | [link](#)

@Save Pine Hills -- I'm guessing you won't be giving your permission for any of your neighbors to raise chickens in their back yards. But you can grow all the 'sour grapes' you want in yours because you seem to have a bumper crop.

... said chrisck on May 3, 2011 at 12:14 PM | [link](#)

@chrisck Ying!

Chickens are a symbol of a resurgent youth urbanism, and by respecting their desire to keep the birds in the city, Albany shows that it is willing to change to keep up with the times. Alternative transpo systems, yearlong public school - these are the hallmarks of cities committed to being competitive and livable, something Albany has had trouble with in the past.

... said TheBestPlaceEver on May 3, 2011 at 12:42 PM | [link](#)

I grew up in a city where people can have chickens in their backyard. The common number is around 2 or

3. Depending on how many of your neighbors have chicken, smells vary. Some spots, you don't really smell anything but it's still there in the background. It gets worse in the summer, when the ground is dry, and the wind blows everything around. I give this fad a few years and I'm sure there will be another grass roots movement to ban it again.

... said jb on May 3, 2011 at 2:24 PM | [link](#)

"Raise your hands, raise your voice,
Give the chickens another choice,
Join with me, set them free,
Brothers and sisters, let the chickens be."

... said Julia Thorne on May 3, 2011 at 2:44 PM | [link](#)

In the small town where I live, this wouldn't even be an issue. I hear the roosters crowing from three houses up the road everyday, and it's just part of the general background. Chickens, pheasants, goats, sheep...people have what they want and no questions asked.

Good for Jen and Mike: I'm happy for them and the decision. Whether they live in a city or not, they deserve to appreciate animals just like their country counterparts. The people complaining are probably the same ones that keep their dogs chained up 24/7, and let them bark until they drive the neighbors crazy. My neighbors barking dogs cause a much bigger annoyance than a bunch of chickens ever would!

... said donna on May 3, 2011 at 2:52 PM | [link](#)

This is truly wonderful news.

... said [Daniel B.](#) on May 3, 2011 at 3:32 PM | [link](#)

As a resurgent almost-middle-aged urbanist I've lived next door to a lot of people, some who I wouldn't mind at all if they had chickens and some to whom I would say no in an instant. Not because I am "nasty" but because I have eyes and ears and observational skills.

The argument that city dwellers should have the opportunity to "appreciate animals just like their country counterparts" is negated by the simple fact that cities are more densely populated than small towns and rural areas. Expectations of city living do not usually include farm animals. Chickens are one thing, but if anyone starts talking cow/sheep/pig that is just insane.

... said Elizabeth on May 3, 2011 at 3:41 PM | [link](#)

Is www.albanyfreerangechickens.com taken? :)

... said [komradebob](#) on May 3, 2011 at 3:54 PM | [link](#)

Elizabeth - point(s) taken. However, I too have lived in a number of places, and I've been subjected to countless barking dogs, all owned by people who a) don't "get it" that they're creating such a nuisance or b) don't give a darn. Too many to count, and makes me wish some of the chicken-complainers also happen to be dog owners. What's good for the goose is good for the gander (pun intended).

Yay for chickens!!!

... said donna on May 3, 2011 at 4:34 PM | [link](#)

Is the chicken ordinance just for the city limits, or for Albany County as well?

... said Shannon on May 3, 2011 at 6:32 PM | [link](#)

needless to say im happy about the result. funny how some folks cry that the chicken coalitions toe dip into politics is petty and yet, people must understand that big gains are not won without small early victories. it kind of appalls me that some folks come out of the shadows to complian, then seemingly giggle with glee when this city or its residents fail at something. id rather fail at trying to accomplish something i believe in than succeed at doing nothing.

... said daleyplanit on May 3, 2011 at 7:42 PM | [link](#)

I would like to add that the finish line has yet to be reached on this issue. If you support the backyard hen issue, or if you feel like I do that the common council vote is a reflection of the residents' majority opinion in this city, write Mayor Jennings and remind him this issue is 1. important to the people and 2. in the public trust that our representatives speak for the will of their constituents. Thanks.

... said [daleyplanit](#) on May 3, 2011 at 9:16 PM | [link](#)

"id rather fail at trying to accomplish something i believe in than succeed at doing nothing."

This should be a featured comment, pretty much forever, for anyone who actually wants to achieve anything, ever. Missing apostrophes and all.

... said [B](#) on May 3, 2011 at 11:42 PM | [link](#)

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

— Theodore Roosevelt

... said Barold on May 4, 2011 at 2:36 PM | [link](#)

@B

Awww shucks :) I'd claim it as my own, but it's too good. I'm sure I heard something like it somewhere, though I wasn't trying to quote anyone, just get the frustration out.

... said daleyplanit on May 4, 2011 at 11:32 PM | [link](#)

Nothing to say but: YAY!
Chickens are so fun.

... said Laura on May 5, 2011 at 11:38 AM | [link](#)

Say Something!

We'd really like you to take part in the conversation here at All Over Albany. But we do have a few rules here. Don't worry, they're easy. The first: be kind. The second: treat everyone else with the same respect you'd like to see in return. Cool? Great, post away. Comments are moderated so it might take a little while for your comment to show up. Thanks for being patient.

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Rob sent along this clip -- it's a video for a J. Tillman song (he's also part of Fleet Foxes). The video was shot... [\(more\)](#)

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Albany has new parking meters downtown. Or, at least, it will have new parking meters. Right now, it has just one, on State Street near... [\(more\)](#)

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[**10,000 at Five**](#)

The acts for tonight's Alive at Five are 10,000 Maniacs, with Erin Harkes opening. Earlier: Alive at Five lineup 2011... [\(more\)](#)

Recent Comments

WOW. What a shame. This was my favorite newer restaurant in Albany. the worst part of the whole situation, is not the loss of a great eatery, but the loss of 10-15 jobs that went with it. Well, at least I can go to one of Albany's 54,832 bars....

... said [Danny](#) about [Wine-N-Diner no longer](#)

[**Make the auto-play music stop. Please.**](#)

...has [16 comments](#), most recently from [-S](#)

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...has [9 comments](#), most recently from [MAGGIE](#)

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