

ORDINANCE 2023-6

AN ORDINANCE BY THE BOROUGH OF CHESILHURST REGULATING THE KEEPING OF BACKYARD CHICKENS ON RESIDENTIAL PROPERTY AND AMENDING THE “CODE OF THE BOROUGH OF CHESILHURST, NEW JERSEY”

WHEREAS, the Borough of Chesilhurst, in performing due diligence and assessing the public welfare of the citizens of the Borough, has researched the regulation of backyard chickens and other egg-laying poultry on residential property in the Borough of Chesilhurst; and

WHEREAS, based on their collective research, observance of best practice and prevailing law, the keeping of backyard chickens and other egg-laying poultry on residential property be regulated; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council as follows:

Chapter 116 of the "Code of the Borough of Chesilhurst, New Jersey", entitled “Animals,” is hereby amending Article I “Keeping of Non-domesticated Animals,” as follows:

116-1 Generally.

Chickens and other egg-laying poultry may be kept and maintained on residential property within the municipality of Chesilhurst only in accordance with the provisions of this article.

The following general requirements shall apply:

- (a) The keeping and maintenance of chickens and other egg-laying poultry on residential property that is farmland assessed pursuant to the provisions of N.J.S.A. 54:4-23.1, the “Farmland Assessment Act of 1964,” is not subject to the provisions of this article.
- (b) As used in this article, the terms “residential property” shall mean property that is zoned and used for residential purposes. It shall include one-family and attached dwelling units as commonly defined in law.

- (c) As used in this article, the terms “chicken” or “backyard chicken” shall include hens and shall not be deemed to include roosters.
- (d) As used in this article, the term “nuisance” does not include a neighbor’s mere dislike of chickens or other egg-laying poultry.

116-2 Maximum quantity per residential lot.

The number of chickens and other egg-laying poultry permitted on a residential property shall be limited by the size of the residential lot, and as indicated in the following table:

Minimum Lot Size (by square feet)	Maximum No. of Chickens
5,000 sf.	2
10,000 sf.	3
15,000 sf.	4
20,000 sf.	5
30,000 sf.	6
40,000 sf.	8
60,000 sf.	12

For lots with a total square footage that is greater than 60,000, the owner shall be permitted to have one (1) additional chicken or egg-laying poultry for every additional 20,000 square feet on said lot. Each chicken in excess of 12 shall come at a registration cost of an additional \$20 per chicken.

116-3. Location of coop and enclosed run.

Chickens shall be housed in structures commonly known as “coops” with enclosed runs in accordance with the following:

- (a) Each coop and enclosed run shall be of sufficient size for the quantity of chickens kept and maintained in accordance with this article.
- (b) Each coop and enclosed run shall be kept at least fifteen (15) feet from the habitable portion of the closest neighboring residential dwelling unit and at least five (5) feet from the property line. Garages, attached or otherwise, and accessory buildings shall not be considered a residential dwelling unit for purposes of calculating the required distance.
- (c) Each coop and enclosed run shall be located in the rear yard only.
- (d) During daylight hours chickens may be permitted to roam outside of the coop and enclosed run in the rear or side yard of the residential lot if said area outside the coop and run is appropriately fenced.

116-4. Minimum requirements for maintenance of coops and keeping of chickens.

- (a) Coops and their enclosed runs shall be maintained to ensure the safety of chickens and individuals, and to ensure that neither the chickens nor their housing create a nuisance. More specifically the following minimum standards shall be maintained at all times:
 - (1) All chickens shall be housed, maintained and treated humanely and in accordance with good agricultural practice.
 - (2) Each coop and enclosed run shall be the appropriate size for the number of chickens housed therein, and shall consist of a maximum of one hundred (100) square feet.
 - (3) Each coop and enclosed run shall not be higher than six (6) feet above the ground, unless a fence and building permit has been

obtained in accordance with the applicable provisions of the land use code.

- (4) Each coop shall be kept dry and well-ventilated with windows to admit daylight.
 - (5) The coop and enclosed run must be constructed and maintained so that it actively deters the entrance of predators.
 - (6) The coop and enclosed run, and all areas within which chickens are allowed to roam, shall be kept free from vermin and rodents.
 - (7) Chickens shall have access to grass or dirt areas.
- (b) Chicken food stored on the exterior of the residential dwelling unit shall be stored in a tightly sealed container to ensure that it is protected from vermin, rodents and predators.
 - (c) Waste generated from the keeping and maintenance of chickens shall be handled in a way to prevent offensive odors. Waste shall be properly composted on site or otherwise disposed of. Odors shall not be permitted to be of such intensity to be detected on any adjacent property or in the public right-of-way.
 - (d) The slaughter of chickens or their willful abandonment is prohibited.
 - (e) If a person rents the residential property where the chickens will be kept, then said person must have prior written consent from the owner of the property.

116-5. Egg-laying poultry other than chickens.

- (a) No person shall keep any female ducks, guinea fowl, geese, pigeons, birds, or other egg-laying fowl within the municipality of Chesilhurst Borough in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.
- (b) The Animal Control Officer or mayor's designee, may, upon complaint or on her or his own initiative, inspect premises upon which fowl are kept and ascertain and determine whether the conditions are unsanitary or if for any reason a nuisance is caused thereby. If the animal control officer determines that conditions are unsanitary, or if for any reason a nuisance exists, she or he may enforce this provision in accordance with the herein and other applicable law.

116-6. No sale of eggs or other chicken by-product.

- (a) The sale of eggs or other chicken by-products on is prohibited on residential properties.

116-7. License required; Education.

- (a) No person shall be permitted to keep chickens or other egg-laying poultry on their residential property in accordance with this article without having first obtained a license from the license issuing authority. The annual fee shall be **\$50.00** plus an online processing fee and licenses shall expire on December 31 of each year.

- (b) Applicant must take necessary measures to educate themselves about raising backyard chickens or other egg laying poultry. This includes, but is not limited to, education regarding hygiene and sanitation, appropriate fencing, and knowledge of Veterinarians who specialize in poultry.
- (c) If an applicant rents the residential dwelling unit, then said applicant must have the permission of the property owner to keep and maintain chickens on said property.
- (d) The resident or owner (as appropriate) shall be obligated to notify the Animal Control Officer or mayoral designee within ten (10) days of any rapid die-offs of their flock.

116-8. Complaints; violations; fines, revocation of license.

Section 1.

- (a) The Animal Control Officer, and/or mayor designee, shall be responsible for enforcement of this article.
- (b) Prior to issuance of a summons and complaint, the Animal Control Officer shall investigate any allegation of a violation of this article.
- (c) If the Animal Control Officer finds that a person has violated this article, then said officer may issue a notice of violation to the violator.
- (d) If, after such time as set forth in the notice of violation or thirty (30) days from the date of the notice of violation (whichever is greater), the violation has not been remedied, the Animal Control

Officer shall be authorized to issue a complaint and summons returnable in municipal court.

- (e) Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties as set forth in section 1-6 of this Code, except that the minimum fine for each violation shall be \$80.00 and the maximum for each violation shall be \$500.00.
- (f) The Health Officer is hereby empowered to suspend or revoke the license held by any person who violates any of the provisions of this ordinance. No license shall be suspended or revoked until after a hearing. A notice of five days, in writing, stating the time and place of such hearing, shall be served upon the licensee.

Section 2. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 3. Current owners of chickens and other egg-laying poultry are exempted from Sections 6-30A.1, 6-30A.2, and 6-30A.3(a) with the following parameters:

Previous owners of egg-laying poultry shall be exempt from section 6-30-A.1 (maximum quantity per residential lot) for the current year. Such owners shall be required to come into compliance with section 6-30A.1 in time for 2021 licensing. Regardless of this exemption, the number of chickens shall not create a public health nuisance. Roosters are not permitted under this exemption.

Previous owners of egg-laying poultry shall be exempt from section 6-30A.2 and 630A.3(a) (location of coop and enclosed run). Existing coops shall be documented on the license application by including a picture of the existing structure.

Such owners shall register through the municipal website or through the Animal Control Officer pursuant to Sec. 6-30A.6 within ninety (90) days of the date this Code becomes effective.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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 portion thereof.

Section 5. The provisions of this ordinance shall be applicable within the Borough of Chesilhurst upon final adoption and shall become a part of the new Borough Code once completed and adopted.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading a regular meeting of the Borough Council of the Borough of Chesilhurst, 201 Grant Avenue, Chesilhurst, in the County of Camden, State of New Jersey, held on the 4th day of May 2023 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 1st day of June 2023, at 7:00 p.m. or as soon thereafter as this matter can be reached, at the meeting room of the Borough Hall. All persons interested shall be given an opportunity to be heard concerning this ordinance.

Prior to second reading, a copy of this Ordinance shall be posted in the Borough Hall and copies shall be made available at the Borough Clerk's office at Borough Hall to members of the general public who may request such copies.

Gloria D. Rose
Borough Clerk



Dated: May 4, 2023

First Reading: May 4, 2023

Second Reading: June 1, 2023

Adopted: _____

Attest: _____

Borough Clerk