

Introduced: July 27, 2020

Adopted:

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

BOARD OF HEALTH

Ordinance # 20-01

AN ORDINANCE AMENDING AND RESTATING THE VILLAGE CODE, CHAPTER 68 TO PROVIDE FOR THE KEEPING OF BACKYARD CHICKENS; AMENDING CHAPTER 375, ARTICLE 22 TO REMOVE THE PROHIBITION AGAINST KEEPING CHICKENS; AND AMENDING FEES - CHAPTER 143-4 ANIMALS TO INCLUDE FEES FOR BACKYARD CHICKEN APPLICATIONS AND LICENSING

**WHEREAS**, the Township of South Orange Village ("Village") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Essex County, New Jersey; and

**WHEREAS**, the keeping of fowl, chickens, or pigeons is currently prohibited by Chapter 375-22 of the Code of the Township of South Orange Village; and

**WHEREAS**, the State of New Jersey encourages municipalities to promote sustainable programs and the keeping of "backyard chickens" is a means by which sustainability can be achieved; and

**WHEREAS**, in light of the above, the Board of Trustees of the Township of South Orange Village ("Governing Body") deemed it in the best interests of the taxpayers and residents of the Village to authorize a pilot program which permitted the keeping of "backyard chickens" under certain circumstances (the "Pilot Program"); and

**WHEREAS**, the Village has operated the Pilot Program since or about January 2018; and

**WHEREAS**, the Governing Body has deemed such pilot program to be successful in promoting sustainable programs in the Township of South Orange Village and desires to permanently implement the program for residents.

**NOW THEREFORE, BE IT ORDAINED**, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

**Section 1.**

Chapter 68, Animals, is amended and restated in its entirety as follows:

**68-32 Standards for Keeping Backyard Chickens.** Residents shall be permitted to keep and maintain backyard chickens pursuant to the following requirements:

- A. Residents must occupy single family homes. No resident occupying any apartments, condominiums, cooperatives, dormitories, or residential facilities shall be permitted to keep and maintain chickens.
- B. There shall be a limit of five (5) chickens per license and per property. Backyard chickens shall mean hens only. No roosters are permitted.
  - i. Notwithstanding the foregoing, where the Village Health Officer has found evidence of rodent infestation in any area (the location and boundaries of which will be defined by the Village Health Officer), no resident in said area shall receive approval to raise chickens until such time as the Village Health Officer certifies to the Board of Health that such infestation in said area has been ameliorated and there has been no evidence of infestation therein for a period of not less than six months.
- C. No licensee is permitted to sell backyard chickens, chicks, or eggs laid by backyard chickens. No licensee is permitted to slaughter any chickens.
- D. Prior to the issuance of a license to maintain backyard chickens, each interested resident must secure the written consent of all contiguous property owners. Any such consent will not run with the land but will be specific to the neighbor giving consent. However, any consent given pursuant to this article shall be effective, regardless of any change in ownership of neighboring properties.

### **68-33 Application for License to Maintain Backyard Chickens; Fee.**

- A. An application for a license to maintain backyard chickens must be made to the Village Health Officer and must include a photograph or diagram of any structures, which will house the chickens, including any areas for a run, a copy of the property survey, the location of the coop/housing structure on the property survey, a copy of the hatchery's National Poultry Improvement Plan ("NPPIP") certificate, and proof of contiguous neighbor consent. The Village may also require that applicants and any and all household members who may be involved in the care and maintenance of chickens view, attend and/or pass an instructional program in the form of a video, course or webinar. No child under the age of 12 shall be permitted to care or provide maintenance for chickens without parental or adult supervision.
  - 1. Upon receipt and satisfactory review of the submitted materials, the Village Health Officer may issue a license. The license will be mailed to the Applicant and shall expire on January 31 in the year following the year of issuance. Licenses shall be renewed on an annual basis and residents seeking to renew their licenses shall be obligated to view the instructional program and pass the quiz on or after January 1 of the issuance year prior to the renewal of the license. Anyone who fails to renew said license during the succeeding year prior to March 1 of that succeeding year shall pay, in addition to the license fee referred to in paragraph B below, late registration fee as set forth in Chapter 143, Fees, of this Code.
  - 2. Residents shall be directed to visit the designated page on the Township of South Orange Village Website to view the instructional program and comply

with any requirements associated therewith. The Village Health Officer shall have the sole discretion for determining such compliance.

B. There will be a one-time application fee which must accompany the application. Such fee shall be as set forth in Chapter 143, Fees, of this Code.

C. All applicants for licenses will be subject to inspections, prior to issuance of the license by the Department of Health of the Village and at the discretion of the Department of Health. Should the Village Health Officer determine that the applicant is not in compliance with the provisions of this ordinance, the Village's Health Code, the Village Code or the laws of the State of New Jersey, the Village Health Officer may, in his/her sole discretion, refuse to issue the requested license. Further, should the Village Health Officer determine that the applicant is not in compliance with the provisions of this ordinance, the Village's Health Code, the Village Code or the laws of the State of New Jersey, the Village Health Officer may, in his/her sole discretion, suspend or revoke any license issued pursuant to this Chapter. However, the Village Health Officer shall provide the licensee with notice of the intent to suspend or revoke the license and shall permit the family owning the chickens a period of 2 weeks to comply prior to suspension or revocation.

#### **68-34 Housing of Backyard Chickens; Restrictions and Limitations.**

A. A fenced-in run area for the chicken(s) is required. The run area shall be at least 10 square feet per bird, not including the coop, and must be attached to the chicken housing structure. The run area shall not exceed a height of 6 feet. A chicken shelter/coop and run area are only permitted in the licensee's rear yard, as same is defined by the Code of the Township of South Orange Village.

B. A structure to house the chickens (i.e. a chicken coop) is also required. The chicken coop shall be at least 2 square feet in dimension per bird housed and no higher than six feet in height, whether or not said coops are stacked, as measured from ground level.

C. No coop or run area may be located closer than 10 feet from the property line or 20 feet from a neighboring house unless consent is received from the owner of such property.

D. Chickens may not roam outside of the coop/enclosed run area unsupervised. Chickens may, however, roam in the rear yard of the licensee under supervision and may not be brought or kept inside the house.

E. Diseased chickens must be removed promptly and held in covered, rat-proof containers.

F. The chicken's environment must provide relief from the elements, such as excessive wind, excessive temperature, and excessive precipitation, which result in hyperthermia or hypothermia detrimental to the bird's health.

G. Coops shall be ventilated and in a clean and sanitary condition at all times.

H. The coop shall be constructed of materials as to prevent all predators, other birds, rats and other wildlife from entering.

I. All structures must be kept in good repair, shall have a waterproof roof and walls, natural lighting and ventilation, and be kept in a clean and sanitary condition at all times.

J. Structures and runs must be resistant to wild animal intruders and be constructed with a surface under the chickens raised off the ground, made of wire, slatted wood, or similar material, designed to allow animal waste to pass through and be collected on trays made of impervious material underneath to allow for frequent disposal. Alternative designs may be employed which, in the opinion of the Health Officer, accomplish the same purpose of waste collection and frequent disposal. The bird droppings do smell. The coop and run area will need to be cleaned regularly to keep ammonia from building up. Ammonia is bad for the bird to breathe and for humans to smell.

K. No food may be kept overnight in the structure housing the chickens or in the run area. All food must be kept in a secure area and in secure air-tight containers to prevent infestation by rats and other vermin.

### **68-35 Feeding of Backyard Chickens.**

Each chicken must have daily access to sufficient and nutritious feed to allow for growth and maintenance of an adequate body condition. Each chicken must also have daily access to water in sufficient quantity and quality to satisfy the chicken's physiologic needs.

### **68-36 Health and Safety Awareness.**

Keeping chickens in the backyard has become more popular in recent years, but there is a downside. There have been salmonella outbreaks linked to backyard flocks.

People need to handle poultry safely. While salmonella can get into the eggs, most infections happen when someone is handling their chickens and the bird's fecal matter gets on their hands. People accidentally ingest it (fecal matter) when they touch their mouth. It may also be tempting for children and adults to cuddle and kiss their chickens. Infections can also occur when you are cleaning the coop and/or the run area.

Here are some ways you can avoid getting sick; Always wash hands well with soap and water after handling the chickens and keep your hands away from your face. Do not let live poultry inside the house especially where food is prepared. Do not let children under twelve (12) years of age handle or touch the chickens without adult supervision. Toss eggs that look dirty or are cracked. Wash and refrigerate the eggs after you take them from the coop. Cook the eggs well.

Some other diseases effecting backyard chickens include, but not limited to: Avian Influenza (AI), Exotic Newcastle Disease (END), Fowl Pox, Bumble Foot, Fowl Cholera, Infectious Bronchitis, Infectious Coryza, and Thrush.

## **68-37 Violations and Penalties.**

Any person or party violating any provision of this chapter shall be subject to an initial fine not to exceed \$200. Upon written notification, the family will have up to 2 weeks to abate the violation. The actual length of time will be stipulated in the written notification. If the violation still exists after the grace period has expired, a summons will be issued and the license may be revoked.

## **68-38 End of License.**

In the event that a licensee wishes to no longer wishes to keep chickens, the licensee must make arrangements for the relocation of the chickens and removal of all structures at the permittee's sole costs and expense.

### **Section 2.**

Chapter 375 - 22 Restrictions On Maintenance Of Fowl, Chickens Or Pigeons is amended and restated as follows:

1. No person shall keep or harbor fowl or pigeons on private property within the Village of South Orange.
2. The maintenance of not more than two such birds as pets up to the age of six weeks shall not be prohibited in a dwelling unit.

### **Section 3.**

Chapter 143, Fees, is amended and supplemented to add the following:

|                                  |         |         |
|----------------------------------|---------|---------|
| Backyard Chicken Application Fee | §68-33B | \$20.00 |
|----------------------------------|---------|---------|

### **Section 4.**

Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. Any ordinance or resolution adopted by the Governing Body establishing the Pilot Program are hereby repealed and this Ordinance shall govern the Backyard Chicken Program.

### **Section 5.**

This ordinance shall take effect after final passage and publication as required by law.

### **Section 6.**

On passage, this ordinance shall be codified.

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Introduction – First Reading

| Trustee Member      | Motion | Second | Ayes | Nays | Abstain | Absent |
|---------------------|--------|--------|------|------|---------|--------|
| Clarke              |        |        |      |      |         |        |
| Collum              |        |        |      |      |         |        |
| Hartshorn Hilton    |        |        |      |      |         |        |
| Jones               |        |        |      |      |         |        |
| Schnall             |        |        |      |      |         |        |
| Zuckerman           |        |        |      |      |         |        |
| Coallier, Bd. Pres. |        |        |      |      |         |        |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Health at their regular meeting held on Monday, July 27, 2020.

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Kevin D. Harris  
Village Clerk

Adoption – Second Reading

| Trustee Member      | Motion | Second | Ayes | Nays | Abstain | Absent |
|---------------------|--------|--------|------|------|---------|--------|
| Clarke              |        |        |      |      |         |        |
| Collum              |        |        |      |      |         |        |
| Hartshorn Hilton    |        |        |      |      |         |        |
| Jones               |        |        |      |      |         |        |
| Schnall             |        |        |      |      |         |        |
| Zuckerman           |        |        |      |      |         |        |
| Coallier, Bd. Pres. |        |        |      |      |         |        |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Health at their regular meeting held on Monday, August 24, 2020.

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Kevin D. Harris  
Village Clerk

Adopted:

Attest:

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Donna Coallier,  
Board of Health President

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Kevin D. Harris,  
Village Clerk