

ORDINANCE #967

AN ORDINANCE AMENDING CHAPTER 127 (ANIMALS) AND CHAPTER 390 (ZONING) OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY FOR THE KEEPING OF POULTRY OR FOWL.

NOTE: Additions are underlined and deletions are marked by strike through.

WHEREAS, Borough ordinances provide the standard for the keeping of cats and dogs but not for the keeping of poultry or fowl; and

WHEREAS, the Borough Council will review this ordinance one year from passage to determine its effectiveness, with that review being on notice to the public as advertised on the Borough's website and as otherwise required by law.

SECTION 1. BE IT ORDAINED by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey, that the following amendments be made:

I. **Chapter 127 Animals** is hereby amended and supplemented to add a new Article V, "Poultry or Fowl," as follows:

1. §127-30 Permissibility. The keeping of Poultry or Fowl is hereby permitted in the Borough of Oceanport as defined by the provisions below.
2. §127-31 License. A permit license shall be obtained from the Borough Clerk annually at a fee of \$10 with accompanied proof of an education class on the keeping of poultry. This fee will provide each hen a borough mandated identification band, that must be worn by the hens at all times.
3. §127-32 Poultry or Fowl Allowance. A maximum of six (6) hens may be kept on any lot that meets the minimum lot size per hen.
4. §127-33 Roosters and Cockerels. All male poultry are prohibited.
5. §127-34 Minimum Lot Size. A minimum lot size of 351 accessible square feet per hen is required to keep poultry or fowl pursuant to this section.
6. §127-35 Feed Storage. All feed stored outdoors shall be kept in metal containers with tightly fitting lids.
7. §127-36 Slaughtering. The slaughtering of any poultry or fowl is prohibited.
8. §127-37 Required Shelters.
 - A. Hens shall be provided a fully enclosed shelter with an enclosure for a run.
 - B. Each flock may be raised on a conventional litter floor with access to an outside yard. If the conventional floor system is used, birds should be provided with a minimum of 2 to 3 square feet of floor space per chicken and access to the outside. A yard should be fenced and sufficiently strong and high enough to keep dogs and other predators from entering. The yard should be kept free of debris, weeds and standing water. The yard should not be placed any closer than the current shed setback to a neighboring property. All poultry should be behind the rear of the dwelling at all times. The enclosure, or coop, should be at a distance at least 20 feet from any windows or doors.
 - C. Shelters shall not exceed 8 feet tall or 8 feet wide and 64 square feet.
 - D. All hens must be confined to a fully enclosed shelter each evening before dark.

9. §127-38 Waste Disposal. Under a conventional flooring system, desirable housing conditions may be maintained through a deep litter management program. Litter, consisting of dry absorbent material such as straw, wood sawdust, shavings, or a pelleted wood or straw shall be added to the floor to a depth of 4-6 inches. The composting or absorbent action which subsequently takes places between the litter and the poultry droppings that accumulate daily, should result in dry floor conditions that will minimize odors. Litter floors need to be cleaned every 3 months, except when the ground is frozen. Dropping boards, where manure accumulates and there is no litter, must be cleaned every 3-5 days.
10. §127-39 Prohibited Acts.
 - A. No person owning or caring for poultry shall willfully allow them to have free access beyond one's own property. It is the responsibility of the owner to put to original condition any property affected by a free roaming hen.
 - B. No person who owns, rents or keeps poultry or fowl shall fail to maintain their dwelling or fail to provide proper food, water, shelter, or veterinary care for said animal or fail to provide adequate care in all weather conditions.
11. §127-40 Noise Nuisances. No person owning or keeping poultry or fowl shall allow them to disturb the peace and quiet of the neighborhood as stated in the current animal noise ordinance 127-5 "Noise Nuisances".
12. §127-41 Seizure and Impoundment
 - A. Any person employed by the Borough shall be permitted to take into custody any free roaming poultry or fowl.
 - B. Any impounded poultry shall be kept for seven days in accordance with the laws of the State of New Jersey with all proper notice attempted to the owner, if known. If after seven days, the poultry has not been claimed and all damages unmet, or if the owner cannot produce a license to keep poultry, the designated authority may cause the chicken to be destroyed in a humane manner.
13. §127-42 Violations and Penalties. Any person convicted of violating any of the provisions of this article shall, upon conviction, be liable to a penalty as set forth in Chapter 1, 1-15, General penalty, for each offense.
14. §127-44 Construal of Provisions. Nothing herein contained shall in any way be construed as relieving any person from complying with any state statutes or other regulations pertaining to the registration of flocks, and this article is intended to be supplementary to any provisions of any such other laws.

II. Chapter §390-28 Raising of animals is hereby amended as follows:

The raising and keeping of reptiles, poultry, swine, horses, goats, cows or other large mammals, except as necessary to the permitted principal use in B-2 District, is prohibited. Any building housing said animals shall be located at least 100 feet from any property line.

SECTION 2. This amending ordinance shall become effective upon due passage and publication according to law.

INTRODUCED: July 14, 2016
APPROVED: July 14, 2016