

ORDINANCE #22-12

AN ORDINANCE AMENDING CHAPTER XXIII, SECTION 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT, BOARD OF HEALTH REGULATIONS ("CONTROL AND LICENSING OF ANIMALS"), TO PROVIDE FOR THE KEEPING AND REGULATION OF BACKYARD CHICKENS

WHEREAS, residents of the Borough of Keyport have a renewed desire to keep and raise chickens in their backyards for reasons that include: the creation of a healthy food source through the backyard production of eggs, the promotion of an educational and recreational outdoor activity, and concerns regarding the physical, medical and dietary treatment of commercially-raised chickens; and

WHEREAS, the Mayor and Council of the Borough of Keyport desire to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

SECTION I. Revisions to Existing Provisions of Ordinance 23-4.1(2) [formerly BH:4-1.2]. Ordinance 23-4.1(2) is hereby amended as follows (revisions in **bold underlined** print):

23-4.1(2) Animals Permitted, Restricted or Banned.

- a. [No change].
- b. *Animals Restricted.*
 1. Farm animals as defined, **with the exception of female chickens kept in accordance with Section 4.2A of this Chapter.**
 2. Pigeons.
- c. [No change].

SECTION II. Provisions to be Added as Section 23-4.2A. Chapter XXXIII of the Revised General Ordinances is further amended to add a new section, 23-4.2A BACKYARD CHICKENS, as follows:

23-4.2A BACKYARD CHICKENS

23-4.2A(1). Purpose; Definition. The purpose of this Section 23-4.2A is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a noncommercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept. As used herein, the term "chicken" shall only refer to female chickens, also known as hens. Male chickens (e.g., roosters) are not permitted.

23-4.2A(2). Permit Required.

- a. An annual permit from the Secretary of the Board of Health is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.

- b. The fee for an annual permit to keep chickens is fifty dollars (\$50.00). The fee for a renewal of an annual permit shall be ten dollars (\$10.00).
- c. An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this Section 23-4.2A in order to obtain a permit.
- d. The application for a permit shall be submitted to the Secretary of the Board of Health.
- e. If the applicant resides in a two-family dwelling or a multi-family dwelling (other than a condominium or apartment building), the application shall indicate the consent of all residents of the subject dwelling.
- f. If the applicant resides in a condominium or apartment building, the application shall indicate the consent of the landlord, co-op association or condominium association.

23-4.2A(3). Number and Type of Chickens Allowed.

- a. The maximum number of chickens allowed is six (6) per residential lot regardless of how many dwelling units are on the lot. In the case of multi-family dwellings, any landlord, co-op association or condominium associations shall have the right to ban or permit the keeping of chickens, but in no event shall the number of chickens permitted exceed six (6) per building or lot.
- b. Only female chickens are allowed; roosters are not permitted. There is no restriction on breed of chicken.

23-4.2A(4). Permitted / Prohibited Activities.

- a. Chickens shall be kept for personal use only.
- b. No person shall sell eggs, or engage in chicken breeding, slaughtering or fertilizer production for commercial purposes.
- c. Chickens may not be slaughtered on any outdoor property in the Borough of Keyport.

23-4.2A(5). Enclosures.

- a. Chickens must be kept in an enclosure or fenced area at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The enclosure or area must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats.
- b. Chickens shall be secured within a henhouse during non-daylight hours. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and birdproof wire of less than one (1) inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.
- c. Henhouses and enclosures shall be kept no less than twenty-five (25) feet from any dwelling located upon an adjoining lot and not less than ten (10) feet from any property line. Henhouses shall not exceed thirty (30) square feet in size and may be freestanding.

- d. Henhouses shall only be located in rear yards where a primary residence exists on the property. For a corner lot or other property where no rear yard exists, these facilities shall be not be located any closer to a public street than the primary residence, and shall not be located on any portion of the front yard. Henhouses are not allowed to be located in any part of a dwelling.

23-4.2A(6). Odor and Noise Impacts.

- a. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
- b. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- c. Any resident adversely impacted from such odors and noise may file a written complaint with the Secretary of the Board of Health. Within five (5) days of receipt the complaint, the Secretary shall investigate the complaint and report her findings and make a recommendation to the Mayor and Council as to whether the subject permit should be revoked. Within thirty (30) days of its receipt of the Secretary's report, the Mayor and Council shall make a determination as to whether the subject permit should be revoked in accordance with Subsection 23-4.2A(12) below.

23-4.2A(7). Lighting. Only motion-activated lighting may be used to light the exterior of the henhouse.

23-4.2A(8). Predators, Rodents, Insects, and Parasites. A permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens that are infested, diseased or having any other condition that presents a risk to human health and/or safety must be removed promptly by the permittee. If a chicken dies, it must be disposed of promptly in a sanitary manner.

23-4.2A(9). Feed and Water. Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.

23-4.2A(10). Waste Storage and Removal. The henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Accumulated droppings or manure must be regularly removed. All stored manure shall be covered by a fully enclosed container or compost bin. Uneaten feed shall be removed in a timely manner.

23-4.2A(11). Enforcement. The County Board of Health and its designated Animal Warden shall have the authority and duty to enforce this Section 23-4.2A.

- a. **Violations.** Any violation of this Section 23-4.2A shall be subject to the fines set forth in Ordinance 23-4.10. Each day a violation continues shall constitute a separate offense. Any violation of this Section 23-4.2A may be enforceable by injunction or other action available at law. The County Board of Health and its designated Animal Warden shall retain the right to inspect any property to determine whether a violation has been corrected.
- b. **Removal.** The County Board of Health or Animal Warden may order the removal of the chickens and the chicken-related structures, as appropriate, to redress a violation of this Section 23-4.2A. The County Board of Health or Animal Warden may also order the removal of any or all chickens upon a determination that the chicken(s) pose a risk to human health and/or safety, are subject to unsanitary or unsafe

conditions, or are subject to mistreatment, neglect and/or abuse.

23-4.2A(12). Permit Revocation. Notwithstanding the provisions of Subsection 23-4.2A(11) above, a permit may be revoked by the Mayor and Council in its sole discretion without reimbursement of any fee for (a) any misrepresentation on a permit application, (b) any violation of the provisions of this Section 23-4.2A (including Subsection 23-4.2A(6)) or other ordinance or regulation of the Borough of Keyport, and failure to correct said violation upon re-inspection, or (c) where there is a risk to public health, safety or welfare. Any revocation or suspension pursuant to this section may be appealed as provided by law.

SECTION III. Revisions to Existing Provisions of Ordinance 23-4.10 [formerly BH:4-10]. Ordinance 23-4.10 is hereby amended as follows (revisions in **bold underlined** print):

23-4.10 VIOLATIONS; PENALTY

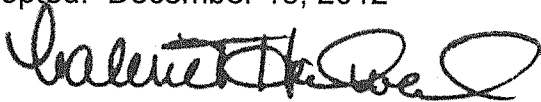
Notwithstanding any provision of Ordinance 23-9.1 to the contrary, any person who violates or who fails to comply with Section 23-4.2 **or 23-4.2A** of this Chapter shall be liable to a penalty of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars for each offense, except that for the first offense, the penalty shall be not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars. For any other violations of this Chapter, the general penalty clause of Ordinance 23:1-2 shall apply.

SECTION IV. Inconsistent Ordinances. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

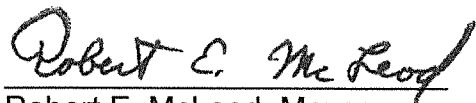
SECTION V. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VI. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law. Upon adoption, the Borough Clerk shall forward a copy of this Ordinance to the Monmouth County Board of Health.

Introduced: November 20, 2012
Public Hearing: December 4, 2012
Adopted: December 18, 2012



Valerie T. Heilweil, RMC
Borough Clerk, Borough of Keyport



Robert E. McLeod, Mayor
Borough of Keyport