

**BOROUGH OF FANWOOD
COUNTY OF UNION**

ORDINANCE NO. 20- 15 - R

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW
JERSEY PERMITTING THE OWNERSHIP OF CHICKENS**

WHEREAS, the Borough of Fanwood (“the Borough”), regulates the ownership of animals within the Borough;

BE IT ORDAINED by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey as follows:

Chapter 118 is hereby amended as follows:

Chapter 118-28. Chickens.

(A) Definitions.

1. Chicken - a domesticated fowl of the subspecies *Gallus gallus domesticus*.
2. Mature Chicken - a chicken that has attained sexual maturity or an age of at least 3 months.
3. Coop - an enclosure, cage or pen, usually with bars or wire, in which chickens are confined.
4. Run - an enclosed area in which chickens are allowed to walk or run about.
5. Roosts - a perch upon which chickens rest at night.
6. Droppings - the excrement of chickens.
7. Predator - an animal that poses a threat to chickens such as hawks, foxes, coyotes, rodents, etc.

(B) Purpose.

1. No person shall raise, keep or harbor any live chickens without first obtaining a permit for that purpose from the Municipal Clerk’s Office, which will issue a permit only after a site inspection by the designated Borough official, Zoning Official or Officer from the Westfield Board of Health.

2. The provisions of this ordinance shall not be deemed to authorize the keeping of live chickens or their by-products for sale or preparation of sale. Furthermore, it shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.

3. The provisions of this ordinance are intended to regulate the keeping of live chickens only for private enjoyment purposes. The keeping of any other types of poultry, including roosters, is strictly forbidden within the Borough.

(C) Permits.

1. Application for raising and keeping live chickens will be made through the Municipal Clerk's Office with the approval of the Borough Zoning Officer. Only one permit will be issued for any separate residence. There will be no fee for the permit. The Borough, however, shall charge a one time fifty (\$50.00) zoning review fee in connection with the application.

2. Permits are issued annually and expire at the end of each calendar year. **The Borough Clerk's Office shall issue an annual license for chickens effective January 1st of the current year.** New permits may be applied for at any time during the year. Permit renewals may be made after December 1st for the following calendar year. **The annual cost of a chicken license shall be \$20.00 for three (3) chickens.**

3. The Borough will not approve for issuance a permit, and may revoke existing permits, for the keeping of live chickens at any place that shall be deemed a nuisance to disturb persons of reasonable sensitivity residing in the vicinity of the place where such live chickens are to be kept.

(D) Regulations.

1. All mature chickens shall be confined to fully enclosed coops and runs located outside of and completely apart from any building used wholly or in part for dwelling purposes. Under **no** circumstance will live chickens be permitted to be kept at food or eating establishments.

2. No live chickens shall be permitted to fly or run at large. Such action is deemed to be a nuisance and dangerous to the public health and safety.

3. Each animal subject to this ordinance shall be free from sickness or disease. If upon investigation by the Count Health Department or other regulating authority, there exists reasonable cause to question the health of any animal, the Borough shall have the authority to require, after notice to the owner, an examination by a doctor of veterinary medicine. This examination shall be at the expense of the owner.

4. There will be a maximum of three (3) mature hen/chickens for each permit issued. Roosters are strictly prohibited.

(E) Maintenance.

1. The coop shall not exceed 36 square feet in size. The entire accessory run and coop structure combined shall not exceed 100 square feet.
2. Any run associated with the coop shall be included within the 36 square foot limitation, as set forth in Chapter 118-28 (E)(1).
3. Chicken coops and runs are limited to zones R-75 & R-150 with a minimum lot size of **7,000** total square feet. Where practicable, chicken coops and runs shall be located in the rear yard of the property and fifteen (15) feet from the rear and side property lines; in no circumstances shall said coops and runs be permitted in the front yard of any property. Moreover, the entirety of any chicken coop and run shall be placed closer to the dwelling on the lot in question than to the dwelling(s) on any adjoining lot(s).
4. No chicken coop and run shall be erected, used or located closer than fifteen (15) feet from any side or rear property line.
5. The coop shall be dry and well ventilated, with windows so placed, if possible, as to admit sunlight.
6. The coop shall have a floor impervious to moisture and be waterproof.
7. The coop shall be whitewashed or painted therein.
8. The coop, including perches and nests, shall be cleaned regularly for the health and safety of the chickens and as a precaution against offensive odors. All food must be stored in airtight containers.
9. Drinking fountains in the area where the coop is located shall be cleaned and supplied at all times with clean water.
10. The yard in the area where the coop is located shall be clean and free from odors.
11. The coop and run shall be constructed of such materials as to prevent predators (coyotes, fox, bear, raccoons, and/or rodents, etc.) from entering therein.
12. Chicken manure must be bagged and disposed of with household garbage or composted on site. All stored manure must be completely contained in a waterproof container. Any compost using chicken manure is required to be produced in an enclosed backyard composter.
13. All chicken coops and runs are also subject to any and all applicable Board of Health regulations and requirements.

(F) Severability Clause.

If any provision of this ordinance is prohibited by law or judged by a court to be unlawful, void or unenforceable, that provision shall be severed from this ordinance and rendered ineffective without modifying the remaining provisions, and shall not affect any other circumstances or the validity or enforcement of this ordinance.

(G) Enforcement.

The provisions of this Chapter shall be enforced by the Police Department, Code Enforcement Official(s), Construction Official, or Health Officer for the Borough of Fanwood.

(H) Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this Chapter shall be subject to a fine not to exceed \$500.00 for a first offense, for a second offense a fine not to exceed \$1,000.00 and for a third offense, in addition to a maximum fine of \$1,000.00, the Borough may revoke any permit granted under this Chapter.

BE IT FURTHER ORDAINED this section of Chapter 118 shall take effect as provided by law.

Introduced: September 21, 2020

Adopted: October 19, 2020

Colleen Mahr, Mayor

Attest: _____
Kathleen Holmes, Clerk