

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

ORDINANCE SUMMARY FOR PUBLICATION

This Ordinance amends and supplements the Code of the Township of South Orange Village to authorize a pilot program to allow for a limited number of residents to keep and house chickens on their property.

AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, ARTICLE IV, CHAPTER 172, TO AUTHORIZE A PILOT PROGRAM ENTITLED "BACKYARD CHICKEN PILOT PROGRAM"

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 Article IV, Chapter 172, 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 Health of the Township of South Orange Village deems it in the best interests of the taxpayers and residents of the Village to authorize a pilot program which permits the keeping of "backyard chickens" under certain circumstances; and

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

Section 1.

The Code of the Township of South Orange Village is hereby amended to include Chapter 172, Section 21.1 "Backyard Chickens/Pilot Program" to provide as follows:

Section 21.1(a) A pilot program for the keeping of "Backyard Chickens" is hereby established and authorized.

Section 21.1(b) Purpose. The purpose of the pilot program is to determine the feasibility of raising backyard chickens in South Orange, New Jersey.

Section 21.1(c) Definitions.

Permissible backyard chickens shall mean hens only.

Section 21.1(d) Term.

The term of this pilot program shall commence on March 1, 2018 at 12:01 a.m. and continue until February 28, 2020 at 12:01 a.m. On February 28, 2020 the Department of Health (DOH) will mail the Pilot questionnaire to the owners and neighbors for their feedback. The DOH must receive all of the completed questionnaires by March 23, 2020. The BOH will decide on June 30, 2020 if this Pilot program will continue. In the event the Board of Health does not act to continue this pilot program, all persons with backyard chickens shall have until their permits expire on June 30, 2020 to remove all backyard chickens from their premises.

Section 21.1 (e) Participation.

The following shall be eligible to participate in the pilot program:

- A. Residents of single family homes which meet the criteria set forth in this pilot program. No apartments, condominiums, cooperatives, dormitories, or residential facilities shall be included.
- B. For purposes of this pilot program, no more than fifteen (15) licenses may be issued.
- C. There shall be a limit of five (5) chickens per license and per property. No roosters are permitted.

1. Notwithstanding the foregoing, where the Health Officer has found evidence of rodent infestation in any area (the location and boundaries of which will be defined by the Health Officer), no resident in said area shall receive approval to raise chickens until such time as the 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.

D. No licensee is permitted to sell backyard chickens, chicks, or eggs laid by backyard chickens. No licensee is permitted to slaughter any chickens allowed for under this pilot program.

E. Prior to the issuance of a license to participate in the pilot program, 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.

Section 21.1(f) Application for License; Fee.

A. An application for a permit to maintain household 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, dimension of structures, a copy of the hatchery's NPIP (National Poultry Improvement Plan) certificate, and proof of contiguous neighbor consent, and proof of having passed the quiz from the instructional webinar. Upon receipt and

review of the submitted materials the Health Officer will issue a certificate. The certificate will be mailed to the applicant. All permits will be issued for a one-year period.

1. To view the instructional webinar and take the quiz it is necessary to visit the South Orange website and follow the link(s) located on the Back Yard Chicken Pilot Project page.

2. To help ensure the health and proper treatment of the chickens involved in the pilot project and the health of the humans as well, an applicant will need to score a 100% to pass the required quiz. An applicant may view the webinar as often as they like and may take the quiz as often as necessary to attain the required score of 100%.

B. There will be a one-time application fee of \$25, which must accompany the application.

C. All applicants for permits will be subject to inspections by the Department of Health of the Village, at the discretion of the Department of Health. Should the Health Officer determine that the applicant is not in compliance with the provisions of this Ordinance, the laws of the State of New Jersey, or the Village's Health Code, the Health Officer may, in his/her sole discretion, revoke any permit issued pursuant to this Section. No license will be suspended without a hearing on notice to the licensee. Upon notice, the family owning the chickens will have a period of 2 weeks to comply.

D. Every license issued pursuant to this pilot program shall expire on February 28th 2020. If the pilot program is extended by the Board of Health, all licensees must re-apply prior to this expiration date.

Section 21.1(g) Housing of 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 chicken coop is also required. The structure to house the chickens 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 bird'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 from entering; to include birds, rats, and other wildlife.

Section 21.1 (h) Feeding.

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

Section 21.1 (i) Cleanliness.

A. 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.

B. 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.

C. 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 containers to prevent infestation by rats and other vermin.

Section 21.1 (j) 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 five (5) 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: Avian Influenza (AI), Exotic Newcastle Disease (END), Fowl Pox, Bumble Foot, Fowl Cholera, Infectious Bronchitis, Infectious Coryza, Thrush, etc.

Section 21.1(k) Violations and Penalties.

Any person or party violating any provision of this article 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 permit may be revoked.

Section 21.1(l) End of Permit.

In the event that a licensee wishes to no longer participate, 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.

All Ordinances contrary to the provisions of this pilot program: to the extent that they are inconsistent herewith, shall be and are hereby repealed to the extent of such inconsistencies and only for the duration of the pilot program.

Section 3.

If the provisions of any section, subsection, or paragraphs of this pilot program shall be judged invalid by a court of competent jurisdiction it shall not affect or invalidate the remainder of any section, subdivision, or clause of this Ordinance.

Section 3.

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