

BOROUGH OF EMERSON

COUNTY OF BERGEN

NOTICE OF INTRODUCTION

ORDINANCE 1670-23

Introduced: **March 21, 2023**

NOTICE IS HEREBY GIVEN that the following proposed Ordinance was introduced and passed on first reading at the Regular meeting of the Borough Council of the Borough of Emerson on the 21st day of March, 2023 and that said proposed Ordinance will be further considered for final passage at the meeting of said Borough Council to be held on the 4th day of April, 2023 at 7:30 p.m., or as soon thereafter as said matter can be heard at the Municipal Building, Linwood Avenue, Emerson, New Jersey, at which time and place all persons who may be interested therein shall be given an opportunity to be heard concerning same.

**AN ORDINANCE TO AMEND, SUPPLEMENT, AND REPLACE IN ITS ENTIRETY CHAPTER 291
ANIMALS, ARTICLE III KEEPING OF POULTRY OR OTHER FOWL**

Article III

Keeping of Live Poultry or Other Fowl

[Adopted 12-8-2011 by Ord. No. 4-11]

§ 291-6 Definitions.

The following words and terms when used in this article shall be deemed to have the meaning herein stated:

LIVE POULTRY/CHICKEN

A domesticated fowl of the subspecies *Gallus gallus domesticus*.

COOPS

An enclosure, cage or pen, usually with bars or wire, in which chickens are confined.

RUN

An enclosed area in which chickens are allowed to walk or run about.

DROPPINGS

The excrement of chickens.

ROOST

A perch upon which chickens rest at night.

ROOSTER

A male domestic chicken.

PREDATOR

An animal that poses a threat to chickens such as hawks, foxes, coyotes, rodents, etc.

§ 291-7 License or permit required; intent.

- A. No person shall keep or maintain any live poultry, or fowl, even for noncommercial purposes, without first having obtained a license or permit for that purpose from the Board of Health covering the premises intended to be so used. Limit of 5 (five) chickens, no crowing roosters are permitted.

- B. The provisions of this article are intended to regulate the keeping of live chickens only. The keeping of any other types of poultry is strictly forbidden within the Borough.

§ 291-8 License or permit fees; renewals.

- A. The permit fee for the keeping of live chickens is \$75.00 for the year 2023 and will be set by Resolution of the Board of Health annually thereafter. The fee is intended to be an annual fee, but when paid, shall cover only the balance of the calendar year during which the same is paid or payable.
- B. All permits issued under this article shall expire on the 31st of January following the date of issuance.
- C. Permits shall be renewed by prior to February 1st of each year.
- D. In the event an expired permit is not renewed prior to February 1st, there will be a grace period until February 10th of each year. Payment must be postmarked by February 10th or delivered by hand and marked received by the Borough with a date stamp of February 10th, an additional late fee charge in the amount of \$25 will be imposed. A fine may be imposed by the court through the issuance of a summons after the current year has ended.

§ 291-9 Violations and penalties.

Any person found to be violating or noncompliant with any provisions of this article shall, upon conviction thereof, pay a penalty of \$200. Complaint shall be made in the Municipal Court of the Borough or before such other judicial officer having authority under the laws of the State of New Jersey. In addition, the Court shall have the power to impose other penalties provided by N.J.S.A. 26:3-77 and N.J.S.A. 26:3-78. (N.J.S.A. 26:3-70).

§ 291-10 Enforcement.

The provisions of this article shall be enforced by the Health Officer of the Borough of Emerson or the Board of Health of the Borough of Emerson or its designated agent. Any person who shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article shall be subject to a fine, upon conviction, in accordance with applicable statutes of the State of New Jersey and codes of the Borough of Emerson.

§ 291-11 Regulations.

- A. Confinement in coops or runs. All live poultry/chickens shall be confined in coops or runs. No live poultry/chickens shall be permitted to fly or run at large.
- B. Health of Live Poultry/Chickens. Each chicken subject to this article shall be free from illness or disease. Should the Board of Health or its designee have reasonable cause to question the health of any live poultry/chicken, it shall have the authority to require, after notice to the owner, an examination by a doctor of veterinary medicine, which examination and treatment, if necessary, shall be at the expense of the owner, and report provided to the Board of Health. Chickens found to be infested with insects, parasites or pathological viruses or bacteria that may result in unhealthy conditions to human habitation may be subject to removal by an animal control officer at the owner's expense.
- C. Location of coops and runs. All coops and runs shall be located outside of and completely apart from any building used wholly or in part for dwelling purposes, in which people congregate or used as a food or eating establishment. Chickens shall be constrained for their own protection and for the public's general health, welfare, and safety.
- D. Floors of coops. All coops shall be provided with concrete floors or any other suitable material, as approved by the Board of Health.
- E. Roosts or drop boards. A sufficient number of roosts to provide roosting space for each individual specimen of poultry or fowl kept in said coop and a sufficient number of properly placed drop boards beneath each roost, to catch all droppings excreted by the said live chickens while in the roost, shall be provided.

- F. Setbacks required. No coop or run shall be located within 100 feet of any dwelling unit, or place where people congregate, or within 400 feet of any food or eating establishment or within 100 feet of any property line. Initial permit and inspection will be required by the Borough to ensure compliance.
- G. Number of poultry per three square feet of floor space. No person can keep more than one individual specimen of live poultry in any coop for each three square feet of usable floor space within said coop.
- H. Food. All food for immediate consumption shall be placed in suitable feed troughs, or similar containers, and all other food shall be stored in rodent-proof containers at all times.
- I. Keeping of Poultry. Will be done in a manner consistent with all other regulations of the Borough of Emerson regarding odor, noise or any other vermin. Odors from chickens, chicken manure or other chicken-related substances shall not be perceptible at the property boundaries.


§ 291-12 **Maintenance.**

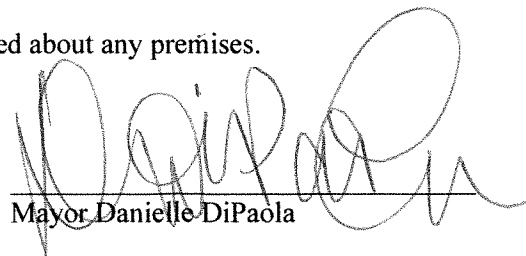
- A. Structures. All chickens subject to this article shall be housed in structures conducive to the health and safety of both the chickens and the public. The structures shall have covered tops and provide protection from predators. Coops and runs to be kept clean; periodic inspection. All coops and runs and the entire surroundings of all such places shall be kept clean at all times and shall be subject to periodic inspection by the Health Officer of the Borough, or his representative.
- B. Disinfection of coops and runs. Coops and runs shall be disinfected or otherwise treated, when so directed by the Board. Coops need to be stripped and cleaned twice (2 times) per month at a minimum.
- C. Care of floors. The floors of all coops shall be kept clean and dry at all times and shall be subject to periodic inspection by the Health Officer or his designated agent.
- D. Removal of droppings. All of the droppings must be removed from the premises and disposed of via cartage company at least once each week.

§ 291-13 **Prohibitions.**

- A. Sale of live poultry not authorized. The provisions of this article shall not be deemed to authorize the keeping of live poultry for sale or for the preparation for sale. Sale of eggs will not be permitted.
- B. Commercial purposes prohibited. It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.
- C. Crowing roosters or chattering fowl prohibited. No person shall raise, harbor or keep any crowing roosters and/or guinea hens, screaming or chattering fowl or other species of poultry beyond chickens within the limits of the Borough of Emerson.
- D. Flying or running at large prohibited. No live poultry or other fowl 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.
- E. Scattered food prohibited. No poultry food shall be scattered about any premises.

ATTEST:

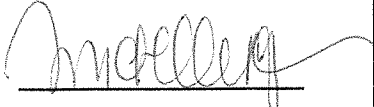

 Jane Dietsche, RMC, Borough Clerk
 Michelle Ryan, Deputy Clerk


 Mayor Danielle DiPaola

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
McGuire			X			
Gordon		X	X			
Moore			X			
Timmerman			X			
Argenzia	X		X			
Rice			X			

I hereby certify that the above Ordinance was duly introduced by the Borough of Emerson at a meeting held on March 21st, 2023.

Attest:



Jane Dietsche, RMC

Michelle Ryan
Deputy Clerk