

ORDINANCE NO. 2020-18

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 134 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED "ANIMALS" TO CREATE ARTICLE III, "REGISTRATION TO KEEP OR RAISE FOWL"

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 134, entitled "Animals," so as to create a new Article III, entitled "Registration to Keep or Raise Fowl" which shall read as follows:

ARTICLE III.

REGISTRATION TO KEEP OR RAISE CHICKENS AND OTHER FOWL

§134-16 Registration

- a. Except as part of an active farm, no person shall keep, raise or maintain any fowl, without first completing a form available at the Zoning Office, and filing the completed form with the Zoning Officer. For purposes of, and as used in this Article, "fowl" shall mean female chickens (hens only) and ducks (both hens and drakes) only. No other type of fowl, waterfowl or gamefowl, are permitted to kept, raised or maintained.

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- b. The completed form must provide the name, address, type of fowl (chicken or duck), number of fowl, and manner by which the applicant will comply with the requirements herein in this Article.
- c. Any person filing the completed form referenced in §134-16(a) above shall pay an annual fee of \$25.00. The fee will not be prorated.
- d. The application must be renewed yearly. Approvals granted will be effective only until December 31st of the year in which the application was made and approved.

§134-17 Keeping of fowl prohibited in certain zones or on waterways

- a. Keeping of fowl shall be prohibited in the R-50 zone, WFD zone, PRD zone, Commercial zones.
- b. Keeping of fowl shall be prohibited on any property abutting a waterway or lagoon.

§134-18 Minimum Lot size and other requirements

- a. No fowl shall be kept on any property less than 7,500 square feet.
- b. No fowl shall be kept on vacant lots and shall not be kept on a property other than on property with a single-family home.

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§134-19 Allowable Number of Fowl

The number of fowl permitted shall be based upon lot size.

- i. Lot of 0.5 acres or less: three (3) fowl
- ii. Lot of 0.5 acres up to 1.0 acre: five (5) fowl
- iii. Lot of 1.0 acres up to 2.0 acres: ten (10) fowl
- iv. Lot of 2.0 acres up to 3.0 acres: twenty (20) fowl
- v. Lot 3.0 acres or more: twenty-five (25) fowl maximum.

§134-20 Standards for keeping fowl

- a. Only female chickens are permitted. No roosters shall be allowed.
- b. Both male ducks (drakes) and female ducks (hens) are allowed.
- c. Shelter must be provided that gives protection from sun and weather conditions.
- d. Fowl shall be kept in cages or on a conventional litter floor.
 - a. If fowl are kept in cages, there must be a minimum of two hundred (200) square inches of cage floor space, per bird.
 - b. If conventional litter floor is utilized, there shall be a minimum of three (3) square feet of space per bird and flow must be provided.



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- e. Fowl may have access to an outside yard from the cage or conventional litter floor, but the outside yard must be completely fenced in and have a minimum yard space of fifteen (15) square feet.
- f. All premises on which fowl are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The area in which the fowl are kept must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that cause an unsanitary condition or causes odor detectable on another property.
- g. Prior to approval, the Zoning Officer shall conduct an initial inspection to assure compliance with all requirements of this Article. Upon approval, failure to comply with conditions herein may result in removal of the fowl from the premises by the Chief Animal Control Officer, at the direction of the Zoning Officer.
- h. All grain and food stored for the use of the fowl shall be kept in rodent proof containers.
- i. Fowl shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

§134-21

Additional requirements

- a. All structures, including but not limited to pens, poultry houses, poultry yards, and run areas, utilized

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for keeping fowl in accordance with this Article shall be:

- i. at least fifteen (15) feet from the adjoining property lines; and
 - ii. In the rear yard of the property.
- b. Kept fowl must always be kept at least fifteen (15) feet from the adjoining property lines.

§134-22 Violations and Penalty

- a. Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed two thousand (\$2,000) dollars for each and every violation. If the violation is of a continuing nature, each and every day during which it continues constitutes a separate and distinct offense.
- b. The Township reserves the right to revoke the registration of anyone violating the provisions of this Article or violating local Board of Health regulations.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 12th day of November, **2020** and will be considered for second and final passage at a meeting of the Township Committee to be held on the 10th day of December, **2020**, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

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