

BOROUGH OF HAMPTON
HUNTERDON COUNTY, NEW JERSEY

PLEASE TAKE NOTICE that the following Ordinance No. 01-2020 was introduced at a meeting of the Borough Council of the Borough of Hampton, in the County of Hunterdon, New Jersey held on the 27th day of January, 2020 and passed on first reading. This Ordinance No. 01-2020 is scheduled to be further considered for final passage at a meeting of the Borough Council to be held at the Borough Hall, One Wells Avenue in said Borough on the 10th day of February, 2020 after 7:30pm.

ORDINANCE # 01-2020

ORDINANCE AMENDING CHAPTER 93, ENTITLED "ANIMALS" TO ADD ARTICLE IV,
SECTIONS 93-17, 93-18 AND 93-19 TO THE CODE OF THE BOROUGH OF HAMPTON,
COUNTY OF HUNTERDON AND STATE OF NEW JERSEY
REGULATING THE KEEPING OF CHICKENS ON RESIDENTIAL PROPERTY

WHEREAS, the Mayor and Council of the Borough of Hampton have determined that certain amendments and additions are needed regarding Chapter 93, by adding Article IV to the Code of the Borough of Hampton entitled "Regulating the Keeping of Chickens on Residential Property" are necessary; and

WHEREAS, the keeping of backyard chickens and other fowl and livestock is currently not addressed by the Code of the Borough of Hampton (the "Code"); 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 Borough Council deems it in the best interests of the taxpayers and residents of the Borough to authorize the keeping of "backyard chickens" under certain circumstances; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hampton, the County of Hunterdon, that Chapter 93 is amended as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

SECTION 1.

Article IV. Regulating Chickens on Residential Property.

§ 93-17 - Livestock and Fowl

Definitions

BACKYARD CHICKEN HENS. *Chicken hens kept and maintained pursuant to Chapter 93, Article IV, et seq.*

LIVESTOCK. *Animals customarily found on a farm, including but not limited to horses, cows, ponies, sheep, goats, chickens, ducks or other fowl, or other farm animals. This term shall not include cats, dogs or other domestic animals.*

PERSON. *An individual, firm, corporation, association, society and partnership and any agent, servant or employee of any of the above.*

§ 93-18 - Backyard Chickens

Chickens permitted; Standards

- A. Residents of single-family or two-family homes shall be permitted to keep chickens pursuant to this section.**
- B. Minimum Lot Size.** *A minimum lot size of one-quarter acre is required to keep chickens pursuant to this section.*
- C. Number of Allowable Chickens.** *No more than six (6) chickens may be kept on any parcel that meets the minimum lot size set forth above. For each additional one-quarter acre, two (2) additional chickens may be kept (i.e. twelve (12) chickens may be kept on a one-acre lot).*
- D. Roosters.** *Roosters are not permitted.*
- E. Required Shelter.** *Chickens shall be provided a fully enclosed shelter / coop with a fenced area meeting the following requirements:*
 - 1. Shelters and fenced `enclosures shall be located in the rear yard only.**
 - 2. Shelters and enclosures shall be at least fifteen (15) feet from the habitable portion of a neighboring residential dwelling and shall be subject to the property line setback applied to accessory structures. Garages, attached or otherwise, and accessory structures shall not be considered a “residential dwelling” for purposes of calculating the required distance.**
 - 3. Chickens may roam outside of the coop area in the rear yard only in an area suitably fenced to keep them contained, provided that a resident of the property aged eighteen (18) years or older is present.**
 - 4. Shelters / Coops shall not exceed fifteen (15) feet in height or 150 square feet in size. Each coop shall be the appropriate size for the number of chickens and shall consist of a minimum of three (3) square feet per chicken.**

5. *Coops shall be dry and well ventilated with windows to admit sunlight. The utilization of a tarp for a portion of the roof structure is not permitted.*
 6. *Shelters / coops constructed pursuant to this Article must have the primary purpose of housing chickens.*
 7. *The coop must be constructed in order to reasonably keep predators out and be surrounded by a fence. Fences shall not exceed six (6) feet in height.*
 8. *The construction of shelters / coops and / or fenced enclosures for chickens are subject to all building and construction permit requirements as applicable to accessory structures under the Code.*
- F. Waste Storage. Storage of manure, excreta, other waste odor or dust-producing substances associated with the keeping of chickens shall be located at least twenty-five feet from any property line and at least fifty (50) from any residential structure on an adjoining property and shall be properly composted in compliance with any Borough or County health code regulations or USDA guidelines or stored in a watertight container until it can be disposed of in a proper fashion off site.*
- G. Feed Storage. Animal feed stored outside shall be kept in metal containers with tightly fitting lids.*
- H. Slaughter. Slaughter of chickens shall not be permitted in public view.*
- I. No Running at Large. No person owning, keeping, maintaining, or harboring a chicken shall permit, suffer, or allow a chicken to run at large upon any public streets or upon any private property except on premises where permission has been given by the owner.*
- J. No Disturbing the Peace. No person owning, keeping, maintaining, or harboring a chicken shall permit, suffer, or allow a chicken to disturb the peace or quiet of the neighborhood by creating a noise across a residential property line continually for ten (10) minutes or intermittently for thirty (30) minutes, unless provoked.*
- K. Violations and Penalties. No person owning, keeping, maintaining, or harboring a chicken who violates or fails or refuses to comply with this provisions of this Chapter, shall be liable for a penalty of not more than \$500 for each violation. Each day that said violation continues shall be deemed a separate and distinct violation.*

- L. Enforcement.** *The provisions of this Section may be enforced by regular and special officers of the police agency servicing the Borough of Hampton (including the New Jersey State Police); the Zoning Officer, Construction Official, and Building Sub-code Official of the Borough of Hampton; or upon the filing of a complaint in the Municipal Court of the Borough of Hampton by any inhabitant of the Borough of Hampton, either with or without prior notice to the person committing a violation of this article.*
- M. Right to Farm Act.** *Nothing herein shall prevent the operation of a farm qualified under the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.*

§ 93-19 - License Required.

- A.** *No person shall keep chickens on their property without first obtaining a license from the municipal clerk's office and paying the required fee therefor. No license shall be issued unless the applicant therefore has demonstrated compliance with all criteria set forth in this Article. Every license issued pursuant to this Article shall expire annually on January 1. Persons maintaining chickens at the time of passage of the within Ordinance shall have sixty (60) days to apply for a license. The Borough Council may grant a waiver of lot size and/or maximum permitted chickens to those persons maintaining chickens at the time of the passage of the within Ordinance to allow such person(s) to come into compliance with this Ordinance through the natural expiration of their chickens provided such waiver does not negatively affect the health, safety and welfare of any resident or person and application for such waiver is made within sixty (60) days of the passage of this Ordinance.*
- B.** *A license fee of \$10.00 shall be paid for each license issued pursuant to this Article.*
- C.** *Tenants of property submitting an application must have the consent of the landlord.*

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

Todd Shaner, Mayor

Linda Leidner, RMC
Borough Clerk