

4-25-11

IX - A

TOWNSHIP OF HOPEWELL
COUNTY OF MERCER, NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V, "ANIMAL CONTROL," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL, MERCER COUNTY, NEW JERSEY, BY ADDING A NEW SECTION 5-9, "STANDARDS FOR KEEPING CHICKENS"

This ordinance amends Chapter V "Animal Control" of the Revised General Ordinances of the Township of Hopewell by adding Section 5-9, "Standards for Keeping Chickens." The purpose of this section is to enact standards by which residents may keep chickens pursuant to the definition of "Home Agriculture" as set forth in Chapter XXII, Section 3 of the Right to Farm Ordinance.

A copy of the ordinance is available at no cost at the Municipal Clerk's Office, 201 Washington Crossing-Pennington Road, Titusville, New Jersey during regular business hours and posted on the municipal bulletin board for public inspection.

This Ordinance was introduced and read and passed on first reading at a regular meeting of the Township Committee of the Township of Hopewell, County of Mercer on March 14, 2011. It will be further considered for final passage after public hearing at a meeting of the Hopewell Township Committee to be held on Monday the 25th day of April 2011, at the Municipal Building, 201 Washington Crossing-Pennington Road, Titusville, New Jersey, beginning at 7:00 p.m. at which place and time all persons interested will be given an opportunity to be heard concerning said ordinance.

Laurie E. Gompf
Municipal Clerk

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO.

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER V, "ANIMAL CONTROL," OF THE REVISED
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OF HOPEWELL, MERCER COUNTY, NEW JERSEY, BY
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KEEPING CHICKENS"**

WHEREAS, a stated goal of the 2002 Hopewell Township Master Plan is "to encourage compatibility between agricultural operations and neighboring non-agricultural development through the right-to-farm ordinance"; and

WHEREAS, Section 17-147 of the Land Use and Development Ordinance provides that "farms and other agricultural uses are permitted as principal uses in all districts"; and

WHEREAS, the Township's Right-To-Farm Ordinance, Section 22-3, permits "home agriculture," which it defines as "the production principally for home use or consumption of plants, animals or their products and for sale to others where such sales are incidental, including, but not limited to, gardening, fruit production and poultry and livestock products for household use only"; and

WHEREAS, township ordinances provide standards for the keeping of livestock but not for the keeping of poultry; and

WHEREAS, the Residential Animal Agriculture Subcommittee of the Hopewell Township Agricultural Advisory Committee has recommended that the governing body enact standards by which residents may keep chickens as permitted under the Right-To-Farm Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, as follows:

SECTION 1. Chapter V, "Animal Control," of the Revised General Ordinances of the Township of Hopewell is hereby amended and supplemented to add a new Section 5-9, "Standards for Keeping Chickens," as follows [underlined words have been added to the ordinance]:

5-9. STANDARDS FOR KEEPING CHICKENS

Chickens kept pursuant to the definition of "Home Agriculture" set forth in Chapter XXII, Section 3 of the Right to Farm Ordinance shall be subject to the following requirements:

a. Minimum Lot Size. A minimum lot size of one-half acre is required to keep chickens pursuant to this section.

b. Number of Allowable Chickens. No more than six (6) chickens may be kept on any parcel that meets the minimum lot size. For each additional one-half acre, four (4) additional chickens may be kept.

c. Roosters and Cockerels. Mature roosters are prohibited; however roosters may visit the property for the purpose of fertilization so long as there are no more than ten (10) days of visitation per parcel in any twelve (12) month period, and no more than five (5) days consecutively. Any cockerel (defined as a young male chicken) that crows must be culled or permanently removed from the property within five (5) days. If there are any crowing roosters or cockerels on a parcel for more than twenty (20) days in any calendar year, all roosters are prohibited from that property for at least a 24-month period.

d. Slaughtering. Slaughtering chickens in public view is prohibited.

e. Required Shelters. Chickens shall be provided, and shall remain within, a fully enclosed shelter with an optional fenced enclosure.

(1) Shelters and enclosures shall be located in the rear yard.

(2) Shelters and enclosures shall be located at least twenty-five (25) feet from any property line and at least fifty (50) feet from any residential structure on an adjoining property.

(3) Shelters shall not exceed 150 square feet in size or fourteen (14) feet in height.

(4) No shelter may be utilized without first having received a shelter permit from the zoning officer and any other State or local permit required.

(4) Fences shall not exceed six (6) feet in height.

(5) The use of enclosed mobile "chicken tractors" is permitted as a supplement to, but not a replacement for, a fully enclosed shelter. For purposes of this Section a "chicken tractor" is defined as a mobile cage or coop that fully encloses the chickens, but which is bottomless to allow chickens direct access to the ground. Chicken tractors must remain within the boundaries defined herein, and may not be used as overnight shelters.

f. Waste Storage. Storage of manure, excreta, other waste odor or dust-producing substances associated therewith shall be located at least twenty-five (25) feet from any lot line and at least fifty (50) feet from any residential structure on an adjoining property, and shall be properly composted per health code or USDA guidelines or kept in a watertight container until it can be disposed of in a proper fashion off site.

g. Feed Storage. Animal feed stored outdoors shall be kept in metal containers with tightly-fitting lids.

h. 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 upon premises where permission has been given by the owner.

i. 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.

j. Penalty. Any person owning, keeping or harboring a chicken, who violates or fails or refuses to comply with the provisions of this Section 5-9, shall be liable for a penalty as prescribed in Chapter III, Law Enforcement Regulations, Section 3-1, for each and every offense.

SECTION 2. Repealer. All other ordinances of the Township of Hopewell which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. Severability. If any part of this Ordinance shall be invalid, such parts shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective upon publication.

Date introduced:

Date Advertised:

Date Adopted:

James Burd
Mayor

Attest:

Laurie E. Gompf
Municipal Clerk