

# TOWNSHIP OF MAPLEWOOD



## ORDINANCE

#2709-13

### AN ORDINANCE TO ALLOW THE RAISING OF BACKYARD CHICKENS FOR HOUSEHOLD EGG GATHERING

#### *"Interpretive Statement"*

*This ordinance will allow no more than fifteen (15) households within the Township of Maplewood to raise backyard chickens for the purpose of household egg gathering.*

WHEREAS, the Maplewood Township Committee has determined to permit a limited number of Township of Maplewood ("Township") residents to raise backyard chickens for household egg gathering; and

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

#### FIRST:

##### A. Permitted Purpose:

Any other Ordinance or Code provision notwithstanding, up to fifteen (15) selected households within the Township of Maplewood will be permitted to raise no more than five (5) chicken hens per property for the purpose of household egg gathering. Roosters are not permitted.

##### B. Selected Households:

The Program will consist of fifteen (15) households made up of three (3) households from each of the following Township neighborhoods as determined by the Township Health Officer:

Hilton  
Tuscan  
South Mountain  
Clinton  
Jefferson

The households will be selected by lottery from the names submitted by interested residents.

If there are less than three (3) households in a particular neighborhood, an applicant will be pulled at random from all remaining entries to reach a total of fifteen (15) participants.

Notwithstanding the foregoing, where the Health Officer has found evidence of a rat 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 rat infestation in said area has been ameliorated and there has been no evidence of rats therein for a period of not less than six (6) months.

C. Structure:

The structure to house the chickens shall be no more than thirty (30) square feet in dimension and no higher than six (6) feet in height as measured from ground level.

A fenced in Run Area for the chickens will be permitted. The Run Area may not be more than thirty-six (36) square feet and must be attached to the housing structure. All structures, including the Run Area, must be located behind the front setback line or the front face of the building structure, whichever is further from the front curb. No structure or Run Area may be located closer than ten (10) feet from the property line or thirty (30) feet from a neighboring house, unless consent is received from the neighbor in question.

Chickens may roam in the rear yard of the Permittee under supervision.

Diseased chickens must be removed promptly.

D. Neighbor Consent:

Prior to being given a permit to participate in the Program, each interested party 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 Ordinance shall be effective, regardless of any change in ownership of neighboring properties.

E. Cleanliness:

All structures must be kept in good repair, shall have a waterproof roof and walls, be free from rats and vermin, properly lighted and ventilated and in a clean and sanitary condition at all times.

Structures and runs must be rat resistant 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.

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, so as to prevent rats and other vermin.

F. Slaughtering of Chickens:

Chickens may not be slaughtered on any outdoor property in Maplewood.

G. Applications:

An application for a permit to maintain household chickens must be made to the Township Health Officer and must include a photograph or diagram of any structures which will house the chickens, including any areas for a run and the signed consent form from all contiguous neighbors. All permits will be issued for a one (1) year period.

There will be an application fee of \$25.00 which must accompany the application.

H. Inspections:

All applicants for permits will be subject to inspections by the Department of Health of the Township, 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 Township's Health Code, the Health Officer may, in his/her sole discretion, revoke any permit issued pursuant to this Ordinance.

The evidence of rats or other vermin shall be cause for the revocation of a permit.

I. Instructional Requirement:

Prior to receiving any permit, all applicants must attend an instructional meeting to be held under the direction of the Maplewood Health Department which will instruct the participant in the requirements of this ordinance and the proper methodology in maintaining household chickens.

J. Penalty:

Any person or party violating any provision of this Ordinance, shall be subject to a fine not to exceed \$1,000.00. Each day that a violation continues, shall be considered a separate offense.

K. End of Permit:

In the event that an Permittee wishes to no longer participate, the Permittee must make arrangements for the relocation of the chickens and removal of all structures at the Permittee's sole costs and expense.

SECOND:

Severability:

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD:

Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH:

Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of

Maplewood, held on January 15, 2013, and that Committee met again on February 5, 2013, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.  
Township Clerk