

TOWNSHIP OF MAPLEWOOD



ORDINANCE

#2678 -11

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

*"Interpretive Statement"*

*This ordinance will create a Pilot Program to 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 initiate a Pilot Program to determine the feasibility of having Township of Maplewood ("Township") Residents raise backyard chickens for household egg gathering ( Pilot Program); 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. Pilot Program:

Any other Ordinance or Code provision notwithstanding, for the period of the Pilot Program, March 1, 2012 through February 28, 2013, up to fifteen (15) selected households within the Township of Maplewood will be permitted to raise no more than three (3) chicken hens per property for the purpose of household egg gathering. Roosters are not permitted.

This Pilot Program will terminate on February 28, 2013, unless further extended by the Maplewood Township Committee.

B. Selected Households:

The Pilot 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 in the Pilot Program.

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 twelve (12) square feet in dimension and no higher than four (4) 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 eighteen (18) 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 not run at large.

Diseased chickens must be removed promptly.

D. Neighbor Consent:

Prior to being given a permit to participate in the Pilot 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 for the duration of the Pilot Program, 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. The Township Health Officer will prepare a form to be used for the application along with a form of neighbor consent. 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. Review of Pilot Program:

Prior to March 1, 2012, the Township shall provide criteria by which the Program will be evaluated.

On or about February 1, 2013, the Maplewood Health Department in conjunction with the Maplewood Board of Health will convene a meeting of Pilot Program participants and other interested Maplewood residents to determine the experiences of Maplewood residents participating in the Pilot Program. A report shall be prepared and presented to the Maplewood Township Committee.

K. 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.

L. End of Permit:

In the event that the Pilot Program is not continued or 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.

M. Sunset Provision:

This Ordinance shall expire on February 28, 2013 .

Thereafter, all rights and privileges granted in this Ordinance shall terminate.

**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 October 4, 2011, and that Committee met again on October 18, 2011, 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.

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