

**TOWNSHIP OF PEQUANNOCK**

**ORDINANCE NO. 2016-12**

**AN ORDINANCE CREATING A NEW CHAPTER 067 ENTITLED "CHICKENS" ESTABLISHING STANDARDS FOR KEEPING CHICKENS AND AMENDING CHAPTER 189 ENTITLED "ZONING."**

**WHEREAS**, the Pequannock Township Council has determined that the keeping of chickens promotes healthy food choices, including fresh eggs and the creation of local sustainable food systems; and

**WHEREAS**, the Pequannock Township Council has determined that the keeping of chickens, when properly managed and cared for, provides an excellent source of fertilizer for gardening; and

**WHEREAS**, the Pequannock Township Council has determined that keeping of chickens, provides for a family-friendly experience; and

**WHEREAS**, the Pequannock Township Council has determined that keeping of chickens, requires the imposition of certain safeguards and standards to ensure that the activity is properly regulated to prevent against nuisance related activities and to protect health and safety;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Pequannock, County of Morris, State of New Jersey, as follows:

**Section 1.** There is hereby established a new Chapter 067 entitled, "Chickens" in the Pequannock Township Code.

**Section 2.** Chapter 067.010 "Standards for Keeping Chickens" is hereby established and supplements the Pequannock Township Code as follows:

- A. Number of Allowable Chickens.  
Up to 10 female chickens are permitted on residential lots of up to 3 acres.
- B. Roosters, Cockerel.  
Roosters and Cockerel are prohibited.
- C. Slaughtering.  
Slaughtering chickens in public view is prohibited.
- D. Required Shelters/Coops.  
Chickens shall be housed in a fully enclosed shelter with a fenced enclosure/run. Coops and runs shall be located in the rear yard and constructed to provide relief from the elements, such as excessive wind, excessive temperature and excessive precipitation which will result in hyperthermia or hypothermia detrimental to the bird's health. Only one coop shall be permitted on any one residential lot.

- i. Shelters/coops and enclosures/runs shall be located at least five feet off the property line for fenced in yards and ten feet from any property line for non-fenced in yards and thirty feet from any residential dwelling on an adjoining property.
  - ii. Shelters/coops shall provide a minimum of 2 square feet of space per chicken, and not exceed sixty (60) square feet in size.
  - iii. Fences/runs shall not exceed six (6) feet in height.
  - iv. Constructed shelters shall:
    - a. Be of sufficient size, to provide adequate space for each bird seeking shelter within to stand, lie down, get up, walk, spread its wings, move its head freely, turn around and rest;
    - b. Be structurally sound;
    - c. Have a safe interior surface, reasonably free of injurious matter;
    - d. Maintain air quality by natural or mechanical ventilation;
    - e. Minimize extremes in environmental temperature;
    - f. Be maintained at a level of repair such that they continue to fulfill the requirements of 067.010 D (i) through 067.010 D (v) of the Chapter.
  - v. Shelters/coops shall not be counted towards the permitted number of accessory structures and shall not be included in lot coverage or impervious surface.
  - vi. Cage housing shall be prohibited.
  - vii. Floor housing shall provide;
    - a. Each bird enough room to stand, lie down, get up, walk, spread its wings, move its head freely, turn around and rest; and
    - b. A sufficient number of nesting boxes for laying hens seeking access to a nesting box.
- E. Waste Storage.  
Storage of manure, excreta, other waste, odor or dust producing substances associated therewith shall be located at least fifteen (15) feet from any lot line or thirty (30) feet from any residential structure of an adjoining property, and shall be properly composted per health code and USDA guidelines or kept in a watertight container until it can be disposed of in a proper fashion off site.
- F. Feed Storage.  
Animal feed stored outdoors shall be kept in metal containers with tight fitting lids.
- G. Running At Large.  
No person owning, keeping, maintaining, harboring a chicken shall permit, suffer or allow a chicken to run at large other than in the fenced-in rear yard of the owner.
- H. Penalty.  
Any person owning, keeping, maintaining or harboring a chicken, who violates or fails or refuses to comply with the provisions of this Section, shall be liable for a penalty as provided by law.
- I. The restrictions of this ordinance shall not apply to agricultural properties qualifying under the Right to Farm Act.

- J. Sick or injured birds must be promptly treated or removed within 24 hours and humanely euthanized. If a flock of chickens perish due to disease or suspected disease the homeowner shall immediately notify the Health Department.

**Section 3. Chapter 189, Subsection 189.07.020**, entitled "Regulations pertaining to residential districts paragraph" shall be amended by the following amendment to **Subsection C** which shall read in its entirety as follows:

**C. Keeping Animals.**

- (1) A total of 10 female chickens are permitted in association with a residentially used property of up to 3 acres
- (2) The keeping of chickens, as accessory to a residential use shall comply with all requirements of Chapter 067.
- (3) The keeping of animals shall be permitted in all residential districts as an accessory use.

| Type of Animal   | Min Lot Size (acres) | Number Permitted  | Req. Housing Spaces/Animal (square feet) |
|--|----------------------|---|--|
| Horses   | 1                    | 1/acre for the first 3 acres<br>2/acre for the fourth & fifth acres<br>3/acre for more than the fifth acre  | 80                                       |
| Ponies   | 1                    | 1/acre for the first acre<br>1/half-acre for the 2 <sup>nd</sup> 3 <sup>rd</sup> 4 <sup>th</sup> & 5 <sup>th</sup> acres<br>3/acre for more than the fifth acre | 80                                       |
| Dairy Cattle   | 3                    | 1/acre  | 100                                      |
| Beef Cattle  | 3                    | 1/acre  | 80                                       |
| Sheep  | 3                    | 5/acre  | 16                                       |
| Goats  | 3                    | 5/acre  | 16                                       |
| Swine  | 3                    | 1/acre  | 64                                       |
| Poultry, excepting female chickens as specified in (1) & (2) above, and Roosters | 1                    | 3/acre  |  |
| Roosters   | 3                    | 1/acre  |  |

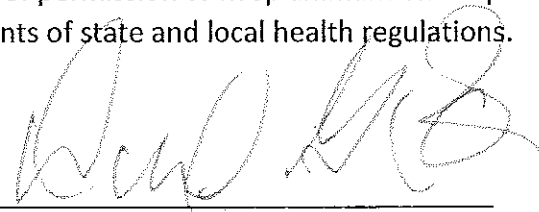
- (4) A pony as regulated above shall not exceed twelve (12) hands in height.

- (5) Any building for the keeping of animals shall be located at least fifty (50) feet from any dwelling on an adjacent property and at least fifty (50) feet from the required rear or side yard setback line on all adjacent residentially zoned or used properties. Any building for the keeping of animals shall be located at least thirty (30) feet from the dwelling of the occupant of the lot.
- (6) Any outdoor area for keeping animals, including corrals, shall be located at least thirty (30) feet from residential structures and at least twenty (20) feet from side and rear lot lines. However, this distance to the lot line may be decreased to ten (10) feet if the Zoning Officer determines that an adequate buffer and screening has been provided in accordance with good planning standards. No stable or outdoor area for the keeping of animals shall be located closer to the street line than the required front yard. All structures for the keeping of animals must be at least fifty (50) feet from any stream, well, water body or watercourse. All septic and manure pits must also be fifty (50) feet from any stream, well, water body or watercourses and fifty (50) feet from all property lines. All animals on the property shall be owned by and for the sole and exclusive use of the residents of the lot upon which they are located, except that up to one (1) animal for the first three (3) acres and twenty-five percent (25%) of all other animals permitted by the quota above may be boarded for the animal's owner to be used only by the owner. When calculating the number of animals permitted, any lot area may only be used once, except that the number of poultry permitted shall not restrict the use of that property for the other animals as permitted in the above schedule.
- (7) Manure must be collected and maintained in a sanitary manner so as to prevent offensive odors, fly breeding or other nuisances. Failure to abide by these standards shall result in revocation by the township of permission to keep animals. Those persons keeping animals must meet all requirements of state and local health regulations.

**Introduced: August 23, 2016**

**Adopted: September 13, 2016**

  
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Carol J. Marsh, Township Clerk

  
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David G. Kohle, Mayor