

ORDINANCE NO. 2278-18

AN ORDINANCE OF CITY OF WOODBURY, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY AMENDING THE CODE OF THE CITY OF WOODBURY, ENTITLED "ANIMALS"

WHEREAS, the City of Woodbury is a municipal entity organized and existing under the laws of the State of New Jersey and located in Gloucester County; and

WHEREAS, the keeping of backyard chickens hens and other fowl and livestock was prohibited by the City Code until the passage of Ordinance #2243-16 which established a Backyard Chicken Pilot Program; and

WHEREAS, the Pilot program expires on February 28, 2018; and

WHEREAS, the Pilot Program has been successful and has not demonstrated any issues or concerns and the Mayor and Council wish to provide for the allowance of backyard chicken hens on a more permanent basis; and

WHEREAS, the State of New Jersey encourages municipalities to promote sustainable programs; and

WHEREAS, the keeping of "Backyard Chicken Hens" is a means by which sustainability can be achieved; and

WHEREAS, in light of the above, the Governing Body of the City of Woodbury deems it in the best interests of the taxpayers and residents of the City of Woodbury to amend Chapter 211 to authorize a pilot program which permits the keeping of "Backyard Chicken Hens" under certain circumstances; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body 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 City of Woodbury by law; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Woodbury, County of Gloucester and State of New Jersey, as follows:

Chapter 211 of the Code of the City of Woodbury is hereby amended, supplemented and revised to include the following provisions:

Article II-Livestock and Fowl

§211-8. Definitions.

Backyard Chicken Hens – Chicken Hens kept and maintained pursuant to Chapter 211, Article III, et seq.

§211-9. Keeping, stabling or breeding prohibited; exceptions.

It shall be unlawful for any person, firm or corporation to keep, stable, breed or quarter any livestock or fowl as defined in Chapter 202-4B of the Code of the City of Woodbury within the City limits of the City of Woodbury. This prohibition shall not apply to any of the following:

- A. The keeping of cats, dogs or other domestic animals within the limits of the City of Woodbury.
- B. The keeping of Backyard Chicken Hens as provided for in Article III of this Chapter.

Article III – Backyard Chicken Hens

§211-10. Chicken Hens Permitted.

The keeping of backyard chicken hens is hereby authorized. Keeping of backyard chicken hens shall be permitted in the City of Woodbury subject to the rules and regulations as specified in this Article. Roosters shall not be permitted.

§211.11. Location; number restricted.

- A. Residents of single family homes or residents of “twin” homes or “row” homes which meet the criteria set forth in this Section shall be permitted to keep backyard chicken hens strictly in accordance with the provisions of this Section.
- B.
- C. There shall be a limit of six (6) chickens permitted for the first 4,000 square feet of lot size with one (1) additional chicken for each 1,000 square feet of lot size capped at a maximum of twelve (12) chickens: no roosters permitted.
- D. The coop and enclosed run shall be kept at least (15) feet from the habitable portion of the neighboring residential dwelling. The minimum 5 foot side and rear yard setback shall be maintained as a buffer with maintained lawn or landscape vegetation. Run-off waste on adjacent properties shall not be permitted. Garages, attached or otherwise, and accessory buildings shall not be considered a “residential dwelling” for purposes of calculating the required distance.

Chickens may roam outside of the coop area in the back yard suitably fenced to keep them contained provided that a responsible resident is present the entire time.

- E. The keeping of chickens shall be limited to the rear yard as defined by this Ordinance.

§211-12. License required; fee; expiration; class.

- 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 III. Every license issued pursuant to this Article shall expire annually on **March 1**.
- B. A license fee of \$10.00 shall be paid for each license issued pursuant to this Article.
- C. Each applicant wishing to keep backyard chickens, shall be required to take a class approved by the Chicken Advisory Board on the basics of raising backyard chickens. Proof of attendance must be presented with the completed application. The City will provide such a class at a nominal fee upon request, if no other approved classes are available, for anyone who has not previously met this requirement. The City may but shall not be required to provide more than one such class annually. The handling of this class will be the responsibility of the Chicken Advisory Board. A member of the Chicken Advisory Board will review the application with the applicant prior to final submission.
- D. Tenants of property submitting an application must have the consent of the landlord.

§211-13. Requirements for coops; slaughter of chickens; waste.

The following regulations and conditions for the keeping and housing of chickens shall be complied with:

- A. The coop shall be the appropriate size for the number of chickens and shall consist of a minimum of three (3) square feet per chicken.
- B. The coop shall be dry and well ventilated with windows to admit sunlight and shall not be heated.
- C. The housing of chickens must be the primary purpose of the structure.
- D. The coop must be kept clean and the utilization of a tarp as a portion of the roof structure is not permitted.

- E. The coop and enclosed run must be made predator-proof and must be surrounded by a six (6) foot high fence.
- F. Clean water must be provided, and food must be kept in a tightly sealed rodent and predator-proof container.
- G. The yard in the area where the coop is located shall be clean, free from odors and dust abatement techniques must be utilized.
- H. There shall be no slaughter of chickens in the City of Woodbury.
- I. Waste shall be handled properly to prevent offensive odors or disposed in an environmentally-friendly manner.
- J. The coop must meet all of the size limitations of an accessory building as may be otherwise provided for in the Code of the City of Woodbury.

§211-14. Creation of “Chicken Advisory Board;” complaints.

- A. A Chicken Advisory Board consisting of five (5) members of the community shall be formed. The Mayor shall appoint all members and designate the Chair, all of whom shall serve for a one (1) year term. The five (5) members shall elect a Vice Chair and Board Secretary from the remaining members who shall also serve for a one (1) term. All terms are on a calendar year basis. The Board shall meet on regular basis and keep minutes which shall be submitted along with quarterly reports to the Governing Body via a City Council selected liaison to the Chicken Advisory Board. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chicken hens and the resolution, if any, of those complaints.
- B. When a complaint is received by the City of Woodbury, it will be forwarded to the Board for investigation by two members of the Board. If the Board finds a violation of this Article, a notice of violation will be issued by the City Code Enforcement Officer. If after thirty (30) days, the violation has not been remedied, the City Code Enforcement Office shall be notified, so that enforcement proceedings may be implemented. The Chicken Advisory Board will assist anyone desiring to no longer keep backyard chicken hens to relocate their chickens.

Article IV – Enforcement

§211-15. Access to property.

Any member of the local and/or county health department and/or City Code Official, who at such official's request may be accompanied by a member of the Chicken Advisory Board, shall be permitted to enter any property for the purpose of site inspections for the purpose of ensuring compliance with the provisions of Article III, either during the application process or during the period of the license. Said individuals set forth herein shall give 24 hours' notice to the license holder.

§211-16. Revocation of license.

Failure to comply with the conditions and regulations set forth in the Article shall result in revocation of the license after notice in writing and a hearing before the Code Official. Said hearing must occur within twenty (20) days of notice of revocation. The Code Official's revocation of a license may be appealed to the governing body within twenty (20) days of the revocation in writing filled with the Municipal Clerk setting forth the basis of the appeal.

§211-17. Violations and penalties.

Any person who violates any provision of this Article shall, upon conviction in the City of Woodbury Municipal Court or any such other court having jurisdiction, be sentenced to a fine not exceeding one thousand, two hundred and fifty dollars (\$1,250.00), or imprisonment for a term not exceeding ninety (90) days, or community service for a term not exceeding ninety (90) days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct offense and subject to the penalty provisions of this Article.

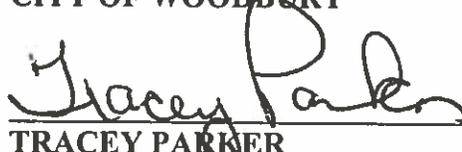
SECTION 3: Except as set forth herein in Articles II, III and IV the balance of Chapter 211 shall not be affected by this Ordinance.

SECTION 4: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 5: If the provisions of any section, subsection, paragraphs, subdivision, or clause of this Ordinance shall be judged invalid By a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6: This Ordinance shall take effect *nunc pro tunc* to February 28, 2018.

CITY OF WOODBURY

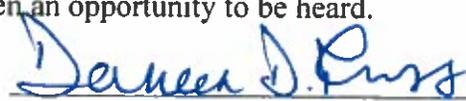

TRACEY PARKER
President of Council

ATTEST:


DANEEN FUSS, CITY CLERK, RMC

CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Woodbury held on the 13th day of February, 2018, and will be considered for final passage and adoption at a meeting of the City Council of the City of Woodbury to be held on February 27, 2018 at the 33 Delaware Street, Woodbury, New Jersey 08096, at which time any person interested therein will be given an opportunity to be heard.


DANEEN FUSS, CITY CLERK

ROLL CALL VOTE

2nd Reading

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter	✓			
Councilman Fleming	✓			
Councilman Johnson	✓			
Councilman McIlvaine	✓			
Councilwoman Miller	✓			
Councilwoman O'Connor	✓			
Councilman Swanson	✓			
Councilwoman Tierney	✓			
Council President Parker	✓			
Mayor Floyd				

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STATE OF NEW JERSEY AMENDING THE CODE OF THE CITY OF WOODBURY,
ENTITLED "ANIMALS"**

The foregoing ordinance was hereby approved by the Mayor of the City of Woodbury on this 27th day of February, 2018.


MAYOR JESSICA FLOYD

ATTEST:


DANEEN FUSS, CITY CLERK, RMC