

ORDINANCE NO. 2509

AN ORDINANCE AMENDING CHAPTER VIII OF THE CODE OF
THE BOROUGH OF ROSELLE PARK, SECTIONS 8-1 ENTITLED
“DEFINITIONS” & 8-8 TO BE ENTITLED “CONTROL OF CHICKENS”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter VIII, Section 8-1 and 8-8 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 8-1 DEFINITIONS

As used in this chapter:

Animal Control Authority or Animal Control Officer shall mean any person or agency designated or certified by the State of New Jersey to enforce the provisions of this chapter.

Cat shall mean any member of the domestic feline species; male, female or altered.

Cat of Licensing Age shall mean any cat which has attained the age of seven (7) months or which possesses a set of permanent teeth.

Cattery shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.

Chicken shall mean a domesticated fowl of the species *Gallus gallus domesticus*.

Coop shall mean an enclosed cage or pen for confining chickens.

Dog shall mean all dogs, male and female.

Dog of Licensing Age shall mean any dog which has attained the age of seven (7) months or which possesses a set of permanent teeth.

Licensing Authority or Licensing Official shall mean the agency or department of the Borough of Roselle Park or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter.

Neutered shall mean rendered permanently incapable of reproduction as certified by a licensed veterinarian.

Owner when applied to the proprietorship of a cat,~~or~~ dog, **or chicken** shall mean and include every person having a right of property or custody in such cat,~~or~~ dog, **or chicken** and every person who has such cat or dog in his/her keeping or who harbors or maintains a cat,~~or~~ dog, **or chicken** or knowingly permits a cat,~~or~~ dog, **or chicken** to remain on or about any premises occupied by that person.

Person shall mean any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

Run, or Coop Run, shall mean an enclosed, open air area attached to a coop.

SECTION 2. 8-8 ~~RESERVED~~ CONTROL OF CHICKENS.

8.1 General Restrictions.

- a. **No person shall keep, maintain, or harbor any chickens within the Borough of Roselle Park without first undergoing a site inspection and receiving a license pursuant to the provisions of this Section.**
- b. **No person shall keep, maintain, or harbor more than six (6) chickens per property as outlined on the most current version of the tax map of the Borough of Roselle Park.**
- c. **No person shall keep, maintain, or harbor roosters for any purpose within the Borough of Roselle Park.**
- d. **Keeping, maintaining, or harboring chickens in a free-range manner shall be explicitly prohibited.**

8.2 Minimum Area and Set-Back Requirements.

- a. **Chicken coops must accommodate, at a minimum, three square feet (3 ft.²) for every one (1) chicken housed.**
- b. **Chicken coop runs must accommodate, at a minimum, four square feet (4 ft.²) for every one (1) chicken housed.**
- c. **All coops and coop runs must be at least ten feet (10 ft.) from any property line, and must be at least thirty-five feet (35 ft.) from any neighboring windows or doors.**

8.3 Design Standards and Requirements.

- a. **The construction of a coop and run must be predator proof and include adequate ventilation.**

- b. Hand sanitizer suitable for the control and elimination of microorganisms and infectious agents must be kept next to the coop or within close proximity to the coop. In no case should the hand sanitizer be kept with restricted access.
- c. All chicken feed must be stored in sealed containers so as to shield it from the elements and prevent the attraction of wildlife.

8.4 Maintenance Standards and Requirements.

- a. All proper pet management shall be required and shall be the responsibility of the owner. Such management shall specifically include, but shall not be limited to, vaccinations, grooming, and veterinary service.
- b. All coops and runs shall be kept clean, free of odor and debris.
- c. All chicken droppings and natural bedding materials must be properly composted or disposed.

8.5 Licensing Requirements, Fees and Inspection.

- a. Applications for the a license to keep chickens shall be filed on forms as prescribed by the Borough of Roselle Park with the Office of the Borough Clerk no later than January 31st of each year.
 - 1. Persons who fail to obtain a license as required within the time period specified herein shall be subject to a delinquent fee of two (\$2.00) dollars per month, with a maximum of ten (\$10.00) dollars per year.
- b. There shall be a non-refundable application fee for a license to keep chickens of ten (\$10.00) dollars per chicken, with a maximum of forty (\$40.00) dollars per year, payable to the Borough of Roselle Park which shall accompany initial and annual renewal applications.
- c. Final approval of such licenses shall be made by the Borough Clerk after a satisfactory site inspection is conducted by the Health Officer.
- d. License fees collected or received under the provisions of this section shall be forwarded to the Chief Financial Officer and shall be placed in the Borough's Animal Control Trust Fund, separate from any of the other accounts of the Borough.

8.6 Violations and Penalties.

- a. Any person who violates or who fails or refuses to comply with this section shall be liable to a penalty of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense, to be recovered by and in the name of the Borough of Roselle Park.

- b. The Director of Code Enforcement, Health Officer, and Police Officer, or their respective designees, shall have the authority to enforce the provisions and regulations set forth in this Section.**

SECTION 3. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 4. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 5. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 6. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.