

19-07
ORDINANCE OF THE BOROUGH OF
MERCHANTVILLE, COUNTY OF CAMDEN AND STATE
OF NEW JERSEY AMENDING CHAPTER 9, ANIMALS, IN
THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 9, Animals, in the Code of the Borough of Merchantville, be and hereby is amended, as follows:

ARTICLE I. SECTION 9-56.1 Chickens permitted.

Notwithstanding the provisions of Section 9-56 of this Chapter, the keeping of backyard chickens shall be permitted in the Borough of Merchantville subject to the rules and regulations as specified in Sections 9-56.1 through 9-56.5 of this Chapter.

ARTICLE II. SECTION 9-56.2 Location; number restricted.

A. The following shall be eligible to the keep backyard chickens in the Borough of Merchantville subject to the rules and regulations as specified in Sections 9-56.1 through 9-56.5 of this Chapter: residents of single family homes or residents of “twin” homes or “row” homes which meet the criteria set forth in this Section.

B. Any household issued a licenses for the keeping of backyard chickens prior to the adoption of this Ordinance shall retain said license. Any other household wanting to participate may be considered on an individual basis by the Chicken Advisory Board established pursuant to Section 9-57 in conjunction with the liaison to the Governing Body.

C. There shall be a limit of eight (8) chickens per license. No roosters are permitted.

D. The coop and enclosed run shall not exceed six (6) feet in height and be kept at least ten (10) feet from the habitable portion of the neighboring residential dwelling. 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 a back yard suitably fenced to keep them contained provided that a person age eighteen (18) or older is present the entire time.

ARTICLE III.

SECTION 9-56.2

**Chicken License Required;
Fee; term; classes.**

Consistent with the provisions of this chapter, no person shall keep chickens on his/her property without first obtaining a license from the Borough Clerk's office and paying the required fee therefor. No license shall be issued unless the applicant therefor has demonstrated compliance with all criteria set forth in this section.

(A) An annual fee of \$25.00 shall be paid for each license issued under this Section for one (1) to eight (8) chickens. Licenses shall be renewed annually and shall expire on December 31st of the calendar year.

(B) The applicant must reside on the property in which the chickens subject to the license are to be housed. If applicant is a renter and/or tenant and/or occupier of the property where chickens are to be housed, the applicant must have the complete the "Property Owner/Landlord Permission Affidavit" portion of the license application, properly executed by the

property owner or landlord and duly notarized.

(C) A new licensee, who was maintaining chickens at the time of the passage of this section, may be issued a license for more than the permitted number of chickens to allow such person(s) to come into compliance with this section through the natural expiration of their chickens.

(D) No license shall be issued unless the applicant desiring to keep backyard chickens has taken a class on the basics of raising backyard chickens acceptable to the Chicken Advisory Board. Proof of completion of such class must be presented with the completed application. The Chicken Advisory Board will provide a class or refer the applicant to an acceptable backyard chicken keeping class as needed. A member of the Chicken Advisory Board will review the application with the applicant prior to final submission.

ARTICLE IV. SECTION 9-56.4 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.
- B. The coop shall be dry and well ventilated with windows to admit sunlight.
- C. The coop must be kept clean.
- D. The coop and enclosed run must be made predator-proof.
- E. Clean water must be provided, and food must be kept tightly closed in a metal

container away from the coop and run at night.

F. The yard in the area where the coop is located shall be clean and free from odors.

G. There shall be no slaughter of chickens in Merchantville.

H. Waste will be handled in such a way as proper composting to prevent offensive odors or disposed in an environmentally-friendly manner.

I. There shall be no selling of eggs.

ARTICLE V. SECTION 9-56.5 Chicken Advisory Board; complaints.

A. A Chicken Advisory Board consisting of five (5) members of the community shall be formed and maintained. The Chair and members of this Board will be appointed to a two-year (2) term by the Mayor, with advice and consent of Borough Council. The Chair and Board members shall select the Vice Chair and Secretary of the Board. The Board shall meet on a regular basis and keep minutes, which shall be submitted along with quarterly reports to Borough Council. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chickens and the resolution, if any, of those complaints.

B. When a complaint is received by the Borough, it will be forwarded to the Board for investigation by the Board. If the Board finds a violation of this Chapter, solutions will be discussed with the offending resident to allow him/her to meet the requirements of this Chapter as soon as possible. However, if, after fifteen (15) days, the violation has not been remedied, the Borough Code Enforcement Officer will be notified so that enforcement proceedings can be implemented. The Chicken Advisory Board will assist anyone desiring to no longer participate in

the backyard chicken program to relocate his/her chickens.

ARTICLE VI. SECTION 9-56.6 Revocation of license; appeal.

Subject to the provisions of Section 9-56.5(B) of this Chapter, the Code Enforcement Officer is hereby empowered to revoke the license held by any person who violates any of the provisions of this Chapter. A licensee may appeal the decision of the Code Enforcement Officer revoking his/her license to the Chicken Advisory Board, by filing an appeal, in writing, to the Chicken Advisory Board within five (5) days of the effective date of the license revocation. Within ten (10) days of its receipt of such an appeal, the Chicken Advisory Board shall schedule a hearing to determine if the license issued under this Chapter should be reinstated. Notice of the time and place of such hearing shall be served, in writing, upon the licensee. The Chicken Advisory Board shall only reinstate the license issued under this Chapter upon proof by the licensee that the violation(s) of the provision(s) of this Chapter have been cured.

ARTICLE VII.

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

ARTICLE VIII.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at a meeting held on June 10, 2019. This Ordinance will be considered for adoption on second reading and public hearing to be held on July 8, 2019 at 7:30 p.m in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to set forth the standard and create regulations in the Code of the Borough of Merchantville for the keeping of a limited number of chickens within the Borough, consistent with New Jersey Statutes. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.