

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

ORDINANCE NO. 03-2017

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 89 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EATONTOWN, LAND USE CODE ARTICLE 32 GENERAL REQUIREMENTS BY INCLUSION OF A NEW SECTION 89-32M, ENTITLED "THE KEEPING OF CHICKENS ON RESIDENTIAL LOTS LESS THAN 5 ACRES"

WHEREAS, the Mayor and Council of the Borough of Eatontown have the authority to act to protect the health, safety and general welfare of the residents of the Borough of Eatontown (the Borough);

WHEREAS, changing societal attitudes have caused a re-evaluation of the Borough's regulations prohibiting the keeping of chickens on residential lots less than five (5) acres; and

WHEREAS, the Mayor and Council of the Borough of Eatontown received input from Eatontown residents requesting an amendment to the Land Use Code to allow chickens on residential zoned property; and

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Eatontown, County of Monmouth and the State of New Jersey as follow:

Chapter 89, Land Use Code, Article 32, General Requirements, is hereby amended and supplemented by the inclusion of a new Section 89-32M, entitles " The Keeping of Chickens on Residential Lots Less Than 5 Acres", which shall read as follows:

89-32M The Keeping of Chickens on Residential Lots Less Than 5 Acres-

Chickens may be kept and maintained on single-family residential lots as an accessory use on lots less than 5 acres, provided a zoning permit is first obtained from the Zoning Officer, and subject to the following requirements:

1. The number of chickens kept shall be determined by lot size, subject to the chart below, but in no case more than 12 chickens:

Number of female chickens	Minimum Lot size
5	5,000 square feet
6	6,000 square feet
7	7,000 square feet
8	8,000 square feet
9	9,000 square feet
10	10,000 square feet
11	11,000 square feet
12	12,000 square feet to 5 acres

2. No person shall keep a rooster or a male chicken on any residential lot of less than five (5) acres.
3. No person who rents the property where chickens are proposed to be kept or maintained may obtain a Zoning Permit without first receiving written permission from an owner of the property. Such written permission shall be provided to the Zoning Officer.

4. On properties where the owner is keeping the chickens, the Zoning Permit shall terminate in the case of change in ownership. On properties that are rented, and the tenants are keeping the chickens, the Zoning Permit shall terminate on change of tenant.
5. Applicants for a zoning permit for the keeping of chickens shall present as part of the Zoning Permit application proof of an education class on the keeping of poultry. The only classes acceptable shall be those attended in person. Online classes will not qualify. ✗
6. Having received a Zoning Permit, a permit license shall be obtained from the Borough Clerk annually at a fee of \$25, regardless of the amount of chickens maintained. The Borough Clerk shall have the authority to determine the paperwork, filing deadlines and procedures governing this licensing.
7. No person shall keep or maintain chickens for consumption or sale. Chickens may not be slaughtered on the property.
8. Chickens shall be kept in a roofed shelter or coop, which shall provide a minimum of three (3) square feet per adult bird, and shall also include a fully enclosed fenced chicken run that provides a minimum of five (5) square feet per adult bird. The run shall be attached to the coop such that chickens are at no time outside of both the coop and run. The shelter/coop shall be counted as part of the accessory structure percentage which shall, in total, not exceed 1% of the subject property. ✗
9. Chickens are not permitted to roam freely beyond the limits of the shelter/coop or chicken run.
10. The chicken shelter shall be bird, rat and predator proof, and designed to be visually compatible with the residential area. ✗
11. Chain link, metal wire or mesh fence shall fully enclose the chicken run and be securely constructed with fence or netting overhead to keep the chickens separated from other animals. Chicken run fencing shall not exceed a height of six (6) feet.
12. A chicken shelter/coop and chicken run are only permitted in the rear yard and shall comply with the accessory structure setbacks for the zone, but in no case be less than seven (7) feet from the adjoining property line.
13. In no case shall a chicken shelter/coop or chicken run be located closer than thirty (30) feet to any dwelling on an adjoining lot. ✗
14. The chicken shelter/coop shall comply with applicable impervious and building coverage standards for the zone.
15. The fenced chicken run shall be well drained so that there is no accumulation of moisture. The floors and walls of the chicken shelter or coop shall be kept in a clean and sanitary condition, with all droppings collected at least weekly. Droppings shall be kept in a covered and secured metal container until disposed of or transported off-premises.

16. All chicken feed shall be kept in a covered and secured metal container off of the ground and inside the coop. All feedings shall occur inside of the coop and not in the chicken run. *A*
17. Permits shall be obtained for the chicken shelter/coop: construction, electric, and plumbing, as applicable. Electric lines shall be installed underground. Electrical connections to a coop must be done by permit and be permanent in nature. *X*
18. If, for any reason, an applicant no longer keeps and raises chickens, they shall be removed from the property in a humane manner.
19. It is intended that penalties for violations of provisions in this code section are as specified in 89-117, Violations and Penalties, or as amended. Any violation of these standards may be grounds for the revocation of the Zoning Permit permitting the keeping and maintenance of chickens.
20. The Zoning Officer and/or Code Inspector shall have the right to periodically inspect the premises to ascertain compliance with these regulations.
21. Chickens shall be kept and maintained at all times in a humane manner and in accordance with good agricultural practices. The Animal Control Officer/Cruelty Investigators shall have all powers under NJ Title 4:19-15.16c to ensure the chickens are maintained in a humane way and under humane conditions. Any failure to comply with the Animal Control Officer/Cruelty Officer shall be grounds for revocation of the Zoning Permit permitting the keeping and maintenance of chickens.
22. The Monmouth County Board of Health, and/or any similar body the Borough contracts with for public health services, shall have the power to investigate any claims under their jurisdiction related to the keeping and maintenance of chickens. Any failure to comply with such body shall be grounds for revocation of the Zoning Permit permitting the keeping and maintenance of chickens.
23. If the Zoning Permit permitting the keeping and maintenance of chickens is revoked, the chicken shelter/coop and chicken run shall be removed from the premises.

INTRODUCTION DATE: MAY 10, 2017

ADOPTION DATE: JUNE 28, 2017

Approved:

Attest:

DENNIS J. CONNELLY, MAYOR

Date:

JULIE MARTIN, MUNICIPAL CLERK

Date:

**APPLICATION FEE: \$50.00
(Due Upon filing of Application)**



**Borough of Eatontown
47 Broad Street
Eatontown, NJ 07724
Phone: (732) 389-7611
Fax: (732) 935-1822**

ZONING PERMIT APPLICATION

All applications for a **Shed, Fence, Pool, Etc.** must be accompanied by a property survey to scale indicating the size of the proposed structure, setbacks and general location. All applications for the **use of a Business, Change-in-Tenancy or Use Change** must indicate the exact scope of the proposed Business.

Date: _____ Block: _____ Lot: _____ Zone: _____

Physical Location / Street Address: _____

Historic District: Yes ___ No ___

Applicant's Name: _____ Owner's Name: _____

Address: _____ Address: _____

City/State/Zip: _____ City/State/Zip: _____

Phone Number: _____ Phone Number: _____

Email: _____ Email: _____

Name of Business (if applicable): _____

TYPE OF APPLICATION WITH DESCRIPTION OF WORK: (FOR EXAMPLE: Addition, Deck, Fence, Pool, Shed, Change-in-Tenancy, Change-in-Ownership, any new construction, etc.)

Attach a current survey or plot plan to scale showing size of property, lot dimensions and dimensions of all existing and proposed improvements. Label distances to all property lines and streets. All new construction: attach an elevation plan to scale showing number of stories; and below grade construction. Change-in-Use/Tenancies: attach a floor/seating plan and a parking plan showing seating, parking stalls and dumpster locations.

I certify that the answers to the above-referenced questions and any statements made on the survey map, plot plan and seating and parking plans are true and complete to the best of my knowledge. I understand that this permit does not exempt bearer of responsibility to secure a certificate of occupancy, building permits, board of health approvals, or other permits as required by the municipality, county, state or federal agencies.

Signature of Applicant

Date

Signature of Owner

Date

PER ORDINANCE SECTION 200, PROOF OF TAXES BEING CURRENT MUST BE PROVIDED