

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE #2023- 05**

AN ORDINANCE TO AMEND CHAPTER 5 ENTITLED “ANIMALS” OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO ADD ARTICLE II, ENTITLED, “CHICKENS AND OTHER EGG-LAYING POULTRY”.

BE IT ORDAINED by the Borough Council of the Borough of Sussex, in the County of Sussex and State of New Jersey, as follows:

SECTION 1. Chapter 5 of the Code of the Borough of Sussex, Sussex County, New Jersey, entitled “Animals”, is hereby amended to add new Article II which shall read as follows:

Article II. Chickens and other egg-laying poultry.

Section 5-27. Generally. Chickens and other egg-laying poultry may be kept and maintained on residential property or commercial property containing residences (each referred to herein as “residential property”) within the Borough of Sussex only in accordance with the provisions of this Article. The following general requirements shall apply:

- (a) The keeping and maintenance of chickens and other egg-laying poultry on residential property that is farmland assessed pursuant to the provisions of N.J.S.A. 54:4-23.1, the “Farmland Assessment Act of 1964,” is not prohibited by the provisions of this Article.
- (b) As used in this Article, chickens shall be meant to exclude cockerels and roosters.
- (c) As used in this Article, the term “nuisance” shall have the same meaning as the word is defined in Section 19-3.2 of the Borough Code.

Section 5-28. Maximum quantity per residential property. The number of chickens and other egg-laying poultry permitted on a residential property shall be limited by the lot size, and as set forth in the following table:

Minimum Lot Size (by square feet)	Maximum No. of Fowl
5,000 sf.	2
10,000 sf.	3
15,000 sf.	4
20,000 sf.	5
30,000 sf.	6
40,000 sf.	7
60,000 sf.	8

For lots with a total square footage that is greater than 60,000, the owner shall be permitted to have one additional chicken or other egg-laying poultry for every additional 20,000 square feet on said lot.

Section 5-29. Location of coop and enclosed run. Chickens shall be housed in structures commonly known as “coops” with enclosed runs in accordance with the following:

- (a) Each coop and enclosed run shall be of sufficient size for the quantity of chickens kept and maintained in accordance with this Article.
- (b) Each coop and enclosed run shall be kept at least five feet from the habitable portion of the nearest residence, other than the residence located on the subject property, and at least five feet from any property line. Garages, attached or otherwise, and accessory buildings shall not be considered residences for purposes of calculating the required distances.
- (c) Each coop and enclosed run shall be located in the rear yard only.
- (d) During daylight hours chickens may be permitted to roam outside of the coop and enclosed run in the rear or side yard of the residential property if said area outside the coop and run is appropriately fenced.

Section 5-30. Minimum requirements for maintenance of coops and keeping of chickens.

- (a) Coops and their enclosed runs shall be maintained to ensure the safety of chickens and people, and to ensure that neither the chickens nor their housing create a nuisance. More specifically the following minimum standards shall be maintained at all times:
 - (1) All chickens shall be housed, maintained and treated humanely and in accordance with good agricultural practices.
 - (2) Each coop and enclosed run shall be the appropriate size for the number of chickens housed therein, but the combined area of the coop and enclosed run shall not exceed 100 square feet.
 - (3) No part of any coops and enclosed run shall exceed six feet in height as measured from the ground.
 - (4) Each coop shall be kept dry and well-ventilated with windows to admit daylight.
 - (5) The coop and enclosed run must be built and maintained to deter the entrance of predators.
 - (6) The coop and enclosed run, and all areas within which chickens are allowed to roam, shall be kept free from vermin and rodents.
 - (7) Chickens shall have access to grass or dirt areas.
- (b) Chicken food stored outside of the residence shall be kept in tightly sealed containers to ensure the food is protected from vermin, rodents and predators.
- (c) Waste generated from the keeping and maintenance of chickens shall be handled in a way to prevent offensive odors. Waste shall be properly composted on site or otherwise properly disposed of. Odors shall not be permitted to be of such intensity to be detected on any adjacent property or in the public right-of-way.
- (d) The slaughter or willful abandonment of chickens is prohibited.

Section 5-31. Egg-laying poultry other than chickens. No person shall keep any female ducks, guinea fowl, geese, pigeons, birds, or other egg-laying fowl within the Borough of Sussex in any unsanitary condition or within such proximity of residences or in any manner so as to be a nuisance.

Section 5-32. No sale of eggs or other chicken by-product. The sale of eggs or other chicken by-products is prohibited.

Section 5-33. License required; Education.

- (a) No person shall be permitted to keep chickens or other egg-laying poultry on residential property without having first obtained a license from the Borough.
- (b) The annual license fee shall be **\$12.00** per residence.
- (c) Each annual license shall expire on December 31st of each year.
- (d) If the person requesting a license rents the residential property, then he/she must have the signed written consent of the property owner to keep and maintain chickens and/or other egg-laying poultry on said property. The signed consent must be submitted to the Borough with the license fee.
- (e) License holders must educate themselves about proper rearing of raising chickens or other egg laying poultry. This includes, but is not limited to, education regarding hygiene and sanitation, appropriate fencing, and knowledge of available and qualified veterinarians.

Section 5-34. Duty to notify of rapid die-offs. The license holder shall notify the Borough's Animal Control Officer and Code Enforcement Officer within 10 days of any rapid die-offs of the license holder's flock.

Section 5-35. Complaints; violations; penalties and fines.

- (a) The Borough Code Enforcement Officer and the Borough Animal Control Officer (each referred to in this Section as Officer) are each authorized to enforce the provisions of this Article.
- (b) Before issuance of a summons or complaint, the Officer shall investigate any allegation of a violation of this Article.
- (c) If the Officer determines that a person has violated a provision of this Article, then a notice of violation may be issued.
- (d) If, after such time as set forth in the notice of violation or 30 days after the date of the notice of violation (whichever is later), the violation has not been cured, the Officer may issue complaints and/or summonses returnable in municipal court.
- (e) Violations:
 - 1. Any person found guilty of violating any provision of this Article shall, upon

conviction thereof, be subject to:

- a. Imprisonment for a term not to exceed 90 days; and/or
 - b. A fine not to exceed \$2,000; and/or
 - c. Community service not to exceed 90 days.
2. Any person who is convicted of violating this Article within one year after the date of a prior violation of this Article for which he/she was convicted shall be subject to an additional fine as a repeat offender of not less than \$100 nor more than \$2,000. The additional fine shall be calculated separately from the fine imposed per Section 5-35(e)(1) of this Article.

SECTION 2. If any Article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication according to law.

Antoinette Smith, Clerk

Edward Meyer, Mayor

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed at the regular meeting of the Mayor and Council of the Borough of Sussex held at Borough Hall, 2 Main Street in the Borough of Sussex on February 21, 2023. The same came up for final adoption at the regular meeting of the Mayor and Council of the Borough of Sussex held at Borough Hall, 2 Main Street in the Borough of Sussex on March 7, 2023, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

Antoinette Smith, RMC