

ORDINANCE NO. 11-17

**ORDINANCE OF THE BOROUGH OF MOUNT EPHRAIM, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, AMENDING CHAPTER 94 OF THE CODE OF THE
BOROUGH OF MOUNT EPHRAIM ENTITLED ANIMALS**

WHEREAS, on April 4, 2013, the Borough of Mount Ephraim (“Borough”) adopted Ordinance No. 02-13, which amended Chapter 33 of the Borough Code to prohibit the keeping and raising of chickens and other fowl and livestock; and

WHEREAS, as a result of the codification of and revisions to the Borough Code adopted by way of Ordinance No. 09-17 on September 7, 2017, Chapter 33 is now Chapter 94; and

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

WHEREAS, the keeping of “backyard chickens” is a means by which sustainability can be achieved; and

WHEREAS, in light of the above, the Governing Body has deemed it in the best interests of the taxpayers and residents of the Borough to amend Chapter 94 to authorize a pilot program which permits the keeping of “backyard chickens” 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 Township by law; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Borough of Mount Ephraim, County of Camden, and State of New Jersey, as follows:

SECTION 1: Section 94-34 of Borough Code is hereby amended, revised and supplemented to provide as follows:

§ 94-34. Keeping of livestock prohibited; Exception.

Except as otherwise provided in Article VI of this Chapter, the raising and keeping of livestock, as defined in § 94-33, is prohibited in the Borough of Mount Ephraim.

SECTION 2: Chapter 94 of the Code of the Borough of Mount Ephraim is hereby amended, revised and supplemented to add a new Article VI entitled, “Backyard Chicken Pilot Program”, which shall provide as follows:

**ARTICLE VI
Backyard Chickens**

§ 94-37. Chickens permitted; Pilot Program.

A. This Article establishes a pilot program to authorize the keeping of backyard chickens in the Borough of Mt. Ephraim subject to the rules and regulations as specified herein.

B. This Article applies to hens only as roosters are strictly prohibited.

C. The pilot program provided for in this Article shall expire one (1) year after the effective date of this Ordinance, unless extended or permanently adopted by the Governing Body of the Borough of Mt. Ephraim.

§ 94-38. Location; Number restricted.

A. The coop and run shall be located in the backyard, shall not exceed 120 square feet and shall be located no closer than twenty (20) feet from any structure owned by another and used for human habitation, occupation or assembly. A predator-proof run shall be attached to the coop and must also be at least twenty (20) feet from the habitable portion of any neighboring property.

B. There shall be a limit of four (4) chickens per license as provided for in Section 94-39 below.

§ 94-39. License required; Fee; Expiration; Class.

A. No person shall keep chickens on their property without having first obtained a license from the Municipal Clerk's Office and paying the required fee. For purposes of this pilot program, no more than five (5) licenses shall be issued, and no license shall be issued unless the applicant has demonstrated compliance with all criteria set forth in this Article VI and all setback and other zoning requirements of the Zoning Code of the Borough of Mt. Ephraim.

B. A non-refundable, one-time license fee in the amount of \$25.00 shall be paid for each license issued for participation in the pilot program provided for herein. No more than one (1) license shall be issued per household.

C. Each applicant wishing to participate in the pilot program provided for herein shall be required to take a class on the basics of raising backyard chickens. Proof of attendance must be presented with the completed license application.

§ 94-40. Requirements for coops.

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

A. The coop shall be dry and well ventilated, with windows so placed, if possible, as to admit sunlight.

B. The coop shall be whitewashed or painted therein.

C. The coop shall be cleaned and disinfected at least once a week between November 1 and May 1, twice a week between May 1 and November 1, and more often if necessary to eliminate odor.

D. Perches shall be removable and kept clean.

E. Chicken nests shall be removable, cleaned, aired and sunned at frequent intervals.

F. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.

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

H. Waste will be handled by the participant to prevent offensive odors and shall be disposed of in an environmentally-friendly manner.

I. The coop and enclosed run shall be predator-proof.

J. Coops shall be inspected annually by the Borough or upon receipt of a complaint. The property owner shall grant access for the coop to be inspected.

K. There shall be no selling of eggs.

§ 94-41. Revocation of license.

Failure to comply with the conditions and regulations set forth in this Article VI shall result in revocation of the license after notice and a hearing before the Governing Body.

§ 94-42. Inspections; complaints.

A. If a complaint is received by the Borough, it will be forwarded to the individual designated by the Borough liaison for investigation and inspection of the property. If the investigation substantiates that a violation of the pilot regulations exists, solutions will be discussed with the offending resident to allow them to meet the requirements of the pilot program as soon as possible. However, if after thirty (30) days, the violation has not been remedied, the Borough liaison will notify the Governing Body so that enforcement proceedings can be implemented.

§ 94-43. Enforcement.

This Article shall be enforced by the Chief of Police of the Borough of Mount Ephraim or his or her designee.

§ 94-44. Violations and penalties.

Any person, firm, corporation or other entity violating any of the provisions of this Article shall, upon conviction thereof, be subject to the penalty provisions contained in Chapter 305, Penalties.

SECTION 3: Except as set forth in Sections 1 and 2 above, the balance of Chapter 94 shall not be affected by this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: If the provisions of any section, subsection, paragraph, 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 immediately upon final passage and publication in accordance with law.

Approved by: _____
Joseph E. Wolk, Mayor

Attest: _____
Terry Shannon, Borough Clerk

Introduced:

Adopted:

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