BOROUGH OF CRESSKILL

ORDINANCE 24-13-1649

AN ORDINANCE AMENDING CHAPTER 80 ESTABLISHING ARTICLE II LIVE POULTRY, PIGEONS OR OTHER FOWL PROHIBITED

Article II Live Poultry, Pigeons or Other Fowl

1. Prohibiting the Raising, Keeping or Having Live Poultry, Pigeons or Other Fowl

§ 80-33. KEEPING OF LIVE POULTRY, PIGEONS OR OTHER FOWL PROHIBITED.

No person shall keep or maintain any live poultry, pigeons or other fowl, whether for commercial or noncommercial purposes, within the Borough of Cresskill, except as stated herein.

§ 80-34. DEFINITIONS

As used in this chapter, the following terms are respectively defined as indicated.

ENFORCEMENT OFFICERS

The Zoning Officer employed or contracted by the Borough of Cresskill.

The Construction Officer employed or contracted by the Borough of Cresskill.

The Health Officer employed or contracted by the Borough of Cresskill.

PERSON

For purposes of this chapter, an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

POULTRY, PIGEONS or OTHER FOWL

A. Includes, but is not limited to, all live chickens, roosters, ducks, pigeons, doves, geese, turkeys, pheasants, partridge, guineafoul, peafowl, ravens, crows, all strigiformes (owls), hawks, eagles, flamingos, swans, emus, ostrich, falcons, quails, rheas, other poultry or fowl. This list is not exclusive as it includes all other feathered or winged creatures.

B. Domestic birds such as canaries, parakeets and parrots are not included.

2. Permitted Poultry

1. Only live chickens shall be permitted in every Zone in the Borough, no other poultry, pigeon or other fowl as defined herein shall be permitted.
2. Quantity Limitation

The number of chickens per household shall be established by Lot Size.

Lots:

a. 50 x 100 feet (5000 feet)
Four (4) chickens

b. 100 x 100 feet (10,000 feet)
Six (6) chickens

c. Lots greater than
10,000 feet
Twelve (12) chickens

3. Coops, Building or Accessory Buildings Required

a. All property owners who are housing chickens are required to house the chickens in a “COOP”, Building or Accessory Building, (Hereafter all structures are referenced as “Coop”)

4. Sanitary Requirements

    a. The Property Owner shall be responsible to maintain the Coop, in a sanitary manner. Specifically, the Coop shall be cleaned regularly of all manure, feculent matter and waste maintained nor shall it emit noxious odors.

    b. Fecal matter or waste shall not be stored on the property and disposed in an approved fashion and not introduced into the Borough's solid waste stream.

    c. All manure, feculent matter and waste shall be removed from the premises or spread and treated with such chemicals and other materials as shall be necessary to prevent odor and the attraction of insects and rodents.

    d. Coops shall be fogged or sprayed regularly with an insecticide designed to kill flies and insects, notice of fogging or spraying must be given to the Board of Health ten (10) days before the application.

    e. All premises on which chickens are kept shall be maintained in a sanitary condition, subject to annual or semi-annual inspection by the Board of Health.

5. Utilities

    No coop, housing chickens shall have electrical or water service

Zoning/Requests

1. Construction or maintenance of any coop, or other housing structure for the chickens, shall be permitted in any zone, subject to complying with all Municipal requirements;
2. The Coop or Accessory Building must be constructed pursuant to Building Codes, obtain Building permits and receive a Certificate of Building Completion, before any chickens may be housed in the structure;
3. Construction of the Coop or Accessory Building must be in compliance with Building and Zoning Ordinances and all other Health Regulations;
4. The location of a Coop/accessory structure shall and/or comply with side and rear yard setback requirements;
5. Coops or accessory structures shall not be permitted in any front yard.
6. Nuisance

A public nuisance shall be deemed to exist in the following circumstances:

a. The keeping of chickens in a manner that may foster the attraction and/or breeding of insects and rodents and the germination of bacteria and other infectious microbes.

b. The keeping of chickens in a manner so as to create or allow Noxious odors and/or disturbing noises.

c. Noncompliance with this section and shall be evidentiary that a Nuisance exists. A nuisance hereunder shall be subject to immediate abatement at the expense of the owner.

d. Housing any other poultry, roosters, pigeon or other fowl as defined herein shall be deemed a per se Nuisance.

e. Each live chicken in excess of limitation restrictions contained herein, shall constitute nuisance, and each additional bird in the property owner's possession shall be deemed a separate violation.

f. Complaint shall be made in the Municipal Court of Cresskill or before such other judicial officer having authority under the laws of the State of New Jersey.

Permits:

A. All property owners who request the right to house chickens on their property pursuant to this ordinance must obtain an annual permit.

B. An application fee of $100 shall be required for each permit issued. All permits shall expire on December 31 of each year.

C. The Board of Health shall be the issuing authority of all chicken licenses.

§ 80-35. ENFORCEMENT AUTHORITY

A. The enforcement authority for this chapter shall be the Building, Construction Officials and/or Health Officials or their designee.

B. The Building, Construction and/or Health Officials may, after giving proper identification, inspect any matter, thing, premises, place, person, record, vehicle, incident, or event as necessary to execute his or her official duties in a manner prescribed by Law, and issuance of any Municipal Summons in accordance with the Law.

C. It shall be unlawful for any person to molest, willfully oppose, verbally abuse, or otherwise obstruct the Building Officials and/or Health Officials in the enforcement of this chapter, and the Building, Construction and/or Health Officials may request the assistance of the Cresskill Police Department or other police Agency or peace officer when necessary to execute his or her official duties in a manner prescribed by the law.

D. Citizens may file formal complaints against violators of this chapter.

§ 80-36. VIOLATIONS AND PENALTIES

A Person who violates the provisions of this Chapter shall be civilly liable, resulting in the following:
A. For the First Violation, a penalty of not less than $500.00, per offense, plus removal of non-permitted chickens, poultry, pigeon or other fowl as defined herein, the Magistrate shall have the discretion of ordering the removal of any housing structure.

B. For the Second Violation, a penalty of not less than $1000.00, per offense, plus removal of the non-permitted chickens, the poultry, pigeon or other fowl as defined herein; the Magistrate shall have the discretion of ordering the removal of any housing structure.

D. For the Third and Subsequent Violation, a penalty of not less than $1,500.00, per offense, plus removal of all poultry, pigeon or other fowl as defined herein, and removal of any housing structure.

§ 80-37. SEVERABILITY.

If any section or provision of this chapter be adjudged invalid, unconstitutional, preempted by Federal or State Law, or otherwise invalid by any Court of competent jurisdiction, the same shall not affect the validity of the chapter as a whole or any other section or provision thereof.

§ 80-38. REPEALER.

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

§ 80-39. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.