

ORDINANCE #2020- 10

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGULATING THE KEEPING OF BACKYARD CHICKENS ON RESIDENTIAL PROPERTY AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974”

WHEREAS, the Princeton Environmental Commission (“PEC”), in coordination with the Health Officer and Animal Control Officer, has researched the regulation of backyard chickens and other egg- laying poultry on residential property in the municipality of Princeton; and

WHEREAS, based on their collective research, the PEC and Health and Animal Control Officers recommend that the keeping of backyard chickens and other egg-laying poultry on residential property be regulated; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions effective January 1, 2020, and which will become incorporated into the new Princeton Code upon its completion.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 6 of the "Code of the Borough of Princeton, New Jersey, 1974", entitled “Animals and Fowl,” is hereby amended by adding a NEW Article 7A. thereto, which shall consist of new sections 6-30A. through 6-30A.7. as follows:

Article 7A. Chickens and other egg-laying poultry.

Sec. 6-30A. Generally.

Chickens and other egg-laying poultry may be kept and maintained on residential property within the municipality of Princeton 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 subject to the provisions of this article.
- (b) As used in this article, the terms “residential property” shall mean property that is zoned and used for residential purposes. It shall include one-family and attached dwelling units as those terms are defined in chapter 17A-201 of the “Code of the Borough of Princeton, 1974.”
- (c) As used in this article, the terms “chicken” or “backyard chicken” shall include hens and shall not be deemed to include roosters.
- (d) As used in this article, the term “nuisance” does not include a neighbor’s mere dislike of chickens or other egg-laying poultry.

Sec. 6-30A.1. Maximum quantity per residential lot.

The number of chickens and other egg-laying poultry permitted on a residential property shall be limited by the size of the residential lot, and as indicated in the following table:

Minimum Lot Size (by square feet)	Maximum No. of Chickens
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
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For lots with a total square footage that is greater than 60,000, the owner shall be permitted to have one (1) additional chicken or egg-laying poultry for every additional 20,000 square feet on said lot.

Sec. 6-30A.2. 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 fifteen (15) feet from the habitable portion of the closest neighboring residential dwelling unit and at least five (5) feet from the property line. Garages, attached or otherwise, and accessory buildings shall not be considered a residential dwelling unit for purposes of calculating the required distance.
- (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 lot if said area outside the coop and run is appropriately fenced.

Sec. 6-30A.3. 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 individuals, 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 practice.
 - (2) Each coop and enclosed run shall be the appropriate size for the number of chickens housed therein, and shall consist of a maximum of one hundred (100) square feet.
 - (3) Each coop and enclosed run shall not be higher than six (6) feet above the ground, unless a fence and building permit has been obtained in accordance with the applicable provisions of the land use code.
 - (4) Each coop shall be kept dry and well-ventilated with windows to admit daylight.
 - (5) The coop and enclosed run must be constructed and maintained so that it actively deters 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 on the exterior of the residential dwelling unit shall be stored in a tightly sealed container to ensure that it 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 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 of chickens or their willful abandonment is prohibited.
- (e) If a person rents the residential property where the chickens will be kept, then said person must have prior written consent from the owner of the property.

Sec. 6-30A.4. Egg-laying poultry other than chickens.

- (a) No person shall keep any female ducks, guinea fowl, geese, pigeons, birds, or other egg-laying fowl within the municipality of Princeton in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.
- (b) The Animal Control Officer may, upon complaint or on her or his own initiative, inspect premises upon which fowl are kept and ascertain and determine whether the conditions are unsanitary or if for any reason a nuisance is caused thereby. If the animal control officer determines that conditions are unsanitary, or if for any reason a nuisance exists, she or he may enforce this provision in accordance with Sec. 6-30A.7.

Sec. 6-30A.5. No sale of eggs or other chicken by-product.

- (a) The sale of eggs or other chicken by-products is prohibited.

Sec. 6-30A.6. License required; Education.

- (a) No person shall be permitted to keep chickens or other egg-laying poultry on their residential property in accordance with this article without having first obtained a license from the license issuing authority. The annual fee

shall be **\$20.00** plus an online processing fee and licenses shall expire on December 31 of each year.

- (b) Applicant must take necessary measures to educate themselves about raising backyard chickens or other egg laying poultry. This includes, but is not limited to, education regarding hygiene and sanitation, appropriate fencing, and knowledge of Veterinarians who specialize in poultry.
- (c) If an applicant rents the residential dwelling unit, then said applicant must have the permission of the property owner to keep and maintain chickens on said property.
- (d) The resident or owner (as appropriate) shall be obligated to notify the Animal Control Officer within ten (10) days of any rapid die-offs of their flock.

Sec. 6-30A.7. Complaints; violations; fines, revocation of license.

- (a) The Animal Control Officer shall be responsible for enforcement of this article.
- (b) Prior to issuance of a summons and complaint, the Animal Control Officer shall investigate any allegation of a violation of this article.
- (c) If the Animal Control Officer finds that a person has violated this article, then said officer may issue a notice of violation to the violator.
- (d) If, after such time as set forth in the notice of violation or thirty (30) days from the date of the notice of violation (whichever is greater), the violation has not been remedied, the Animal Control Officer shall be authorized to issue a complaint and summons returnable in municipal court.

- (e) Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties as set forth in section 1-6 of this Code, except that the minimum fine for each violation shall be \$50.00 and the maximum for each violation shall be \$500.00.
- (f) The Health Officer is hereby empowered to suspend or revoke the license held by any person who violates any of the provisions of this ordinance. No license shall be suspended or revoked until after a hearing. A notice of five days, in writing, stating the time and place of such hearing, shall be served upon the licensee.

Section 2. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 3. Current owners of chickens and other egg-laying poultry are exempted from Sections 6-30A.1, 6-30A.2, and 6-30A.3(a) with the following parameters:

Previous owners of egg-laying poultry shall be exempt from section 6-30-A.1 (maximum quantity per residential lot) for the current year. Such owners shall be required to come into compliance with section 6-30A.1 in time for 2021 licensing. Regardless of this exemption, the number of chickens shall not create a public health nuisance. Roosters are not permitted under this exemption.

Previous owners of egg-laying poultry shall be exempt from section 6-30A.2 and 6-30A.3(a) (location of coop and enclosed run). Existing coops shall be documented on the license application by including a picture of the existing structure.

Such owners shall register through the municipal website or through the Animal Control Officer pursuant to Sec. 6-30A.6 within ninety (90) days of the date this Code becomes effective.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. The provisions of this ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Delores Williams, Clerk

Liz Lempert, Mayor

Ordinance Introduced: February 24, 2020

Ordinance Adopted:

This ordinance establishes new requirements and regulations for the keeping and maintaining of backyard chickens and other egg-laying poultry on residential properties in the municipality.