

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING AND  
SUPPLEMENTING CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ANIMAL  
CONTROL”**

**#18-16**

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

**WHEREAS**, the concept of local sustainability has inspired an interest in backyard food production; and

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

**WHEREAS**, pursuant to NJSA 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 Borough by law;

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that:

Chapter 5 is hereby amended to provide for Section 5.9 Backyard Chickens and said section is hereby amended and revised as follows:

**I.**

**SECTION 5-9.1. Purpose and Intent**

The purpose of this ordinance is to provide appropriate standards and regulations for keeping chickens for noncommercial purposes within an urban residential environment. The ordinance establishes standards and limitations so as to avoid adverse impacts on neighboring properties and residents, and to provide for the health and safety of the chickens.

**SECTION 5-9.2. Definitions and Rules of Construction:**

Chicken—for the purpose of this code, a chicken (*Gallus domesticus*) refers only to a female chicken.

Coop—the covered house, structure or room that is required in order to provide chickens with shelter from the weather and with a roosting area protected from predators.

Chicken enclosure—means a fenced (or wire) area, or pen, required in association with a coop in order to

provide an outside exercise area for the chickens free from predators, and of a size that allows for access to a foraging area, sunlight, and natural space.

Repeat violation—shall mean as provided for in this section, a violation of the provision of this section by a person who has been previously found, through a code enforcement process or any other quasi-judicial or judicial process, to have violated, or who as admitted violating, the same provision within five years prior to the violation, notwithstanding that the violations may occur at different locations.

### **SECTION 5-9.3. Permitted Districts, Licensing & Enforcement:**

(a) General Conditions for the keeping of chickens.

1. No person shall keep chickens in areas other than the R-1, R-2, and R-3 zoning districts, unless otherwise provided for in this section.
2. No person shall keep chickens on his/her property without first obtaining a license from the Borough Clerk's office and paying the required fee therefor. Every license issued shall expire on December 31<sup>st</sup> of each year. No license shall be issued unless the applicant has demonstrated compliance with all criteria set forth in this article.
3. A new licensee who was maintaining chickens as of the effective date of this Ordinance may be issued a license allowing such person(s) to come into compliance with this section through the natural expiration of their chickens.
4. A license fee of \$10.00 shall be paid for each license issued pursuant to this Article.
5. All first-time applicants and licensees shall attend an educational class on the basics of raising backyard chickens acceptable to the Chicken Advisory Board. Proof of completion must be presented with the completed application. The Chicken Advisory Board will provide a class or refer the applicant to an acceptable backyard chicken-keeping class as needed.
6. Chickens may be kept on an occupied single-family property within the zoning districts. Chickens are allowed within manufactured home subdivisions, but are not allowed within mobile home/manufactured home parks.
6. Chickens must be kept within the coop or enclosure at all times. Chickens may roam outside of the coop area in a back yard suitably fenced to keep them contained provided that a resident age eighteen (18) or older is present the entire time.
7. No male chickens or roosters may be kept under the provisions of this Section of the Code.
8. Chickens shall be kept for personal use only. The selling of chickens, eggs or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
9. The slaughtering of chickens on premises is not allowed.

(b) Location and Requirements for Chicken Coops and Enclosures.

1. Any chicken coop and fenced enclosure must be located in the rear yard. No coop, enclosure or chickens shall be allowed in any front or side yard. (Corner lots shall be excluded from the side setback restriction).

2. If the coop structure exceeds 100 square feet in size (10 foot by 10 foot), a building permit is required to be obtained from the Borough of Lakehurst. The coop and run structure shall not exceed 25% of the available back yard area.

3. The coop shall be covered and ventilated, and a fenced enclosure or run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors and gates.

4. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than fifteen (15) feet to any door or window of any dwelling or inhabitable structure other than the owner's dwelling.

5. All stored feed must be kept in rodent and predator-proof containers.

6. The coop shall provide a minimum of three (3) square feet per chicken and be of a sufficient size to permit free movement of the chickens. The coop may not be taller than seven (7) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance.

(c) Health, Sanitation and Nuisance as applied to the keeping of chickens.

1. Chickens shall not be permitted to trespass on neighboring properties, be released or set free, and shall be kept within a coop and enclosure.

2. Chicken coops and enclosures shall be maintained a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute or any other nuisance condition.

3. Waste shall be handled properly to prevent offensive odors and disposed of in an environmentally-friendly manner.

(d) Enforcement

### **Creation of the Chicken Advisory Board; Complaints.**

**A:** A Chicken Advisory Board consisting of three (3) members of the community shall be formed. The Chair will be appointed to a one (1) year term by the Mayor. The Chair will select two (2) other members, with approval of the Governing Body, who will also serve for one (1) year.

**B:** The Chicken Advisory Board shall assist first-time chicken owners by providing or recommending educational classes and assistance, as well as provide continuing educational opportunities from time to time.

**C:** The Chicken Advisory Board shall oversee compliance with all issued licenses. Any complaints

received by the Borough shall be forwarded to the Board, who shall investigate said complaint. If the Board finds a violation of this Section, solutions will be discussed with the offending resident to allow them to meet the requirements of the Section. If after thirty (30) days the violation has not been rectified, the complaint will be forwarded to the Code Enforcement Officer for investigation and compliance.

1. Enforcement regarding the keeping of chickens within any zoning district is addressed within this Section.

2. In addition to any other penalties, fines and other enforcement options available pursuant to the Borough of Lakehurst Code, the Borough reserves the right to seek revocation of any permit or license granted under this section and/or initiate prosecution for the enforcement of any civil infraction violation provided for under applicable law.

3. In a public health emergency declared by the Administrator of the Borough of Lakehurst, including but not limited to an outbreak of Avian Flu or West Nile virus, immediate corrective action may be required, in accordance with applicable public health regulations and procedures and in conjunction with Animal Services.

4. No person convicted as a repeat violator of Sections 3(a) through (d) of this Code may be permitted to, or continue to, keep chickens on their premises. Repeat violators are defined in Section 2 of this Code.

(e) Additional permitted locations for the keeping of Chickens

1. Notwithstanding the provisions of this section 5-9.3 to the contrary, any resident who resides in a pre-existing non-conforming residence located in a non-residential zone, may apply to the Chicken Advisory Board to keep Chickens as otherwise provided for in Section 5.9. The Chicken Advisory Board may issue a license to allow for the keeping of Chickens at such a location only upon proof being submitted, satisfactory to the Chicken Advisory Board, that the keeping of Chickens at the site shall be in accord with the provisions of Section 5.9.

**II.** All sections of Chapter 5 not amended hereunder shall remain in full force and effect.

**III.** In the event any section, part or provision of this Ordinance shall be held unconstitutional or in valid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

**IV.** All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

**V.** This Ordinance shall take effect immediately upon its final passage and publication as required by law.

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Harry Robbins, Mayor

**NOTICE**

**NOTICE IS HEREBY GIVEN** that an ordinance #2018-16 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING AND SUPPLEMENTING CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ANIMAL CONTROL” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the twentieth day of December, 2018.

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Bernadette Dugan, RMC/CPM  
Municipal Clerk