

**BOROUGH OF BUENA
COUNTY OF ATLANTIC**

ORDINANCE NO. 759

**AN ORDINANCE AMENDING ORDINANCE 395, AS
AMENDED, CHAPTER 150, ARTICLE XVI, SECTION
150-136 ENTITLED FARMING RIGHTS; RESTRICTIONS
AND PERMITTED NUISANCES**

WHEREAS, Borough Council passed a motion to refer a question to the Buena Borough Land Use Board (BBLUB) to consider an amendment to the Buena Borough Municipal Land Use Laws (MLUL) to consider an amendment to so as to set forth restrictions upon the right to keep and maintain chickens, turkeys ducks and other fowl and poultry in certain residential zones and to provide findings of fact and recommendations thereto; and

WHEREAS; on July 23, 2024 the BBLUB considered the motion and passed a Resolution recommending certain changes to Chapter 15, Article XVI, Section 150-36 recommending an amendment to the Buena Borough MLUL and the Governing Body adopts the findings of fact and recommendations set forth in said BBMUB Resolution as if set forth herein at length.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 395, as amended, Chapter 150 Article XVI, Section 150-136 entitled Farming rights; restrictions and permitted nuisances shall be amended as follows:

Section 150-136 A, B, C, and D shall be deleted in their entirety and replaced as follows:

§ 150-136 Farming rights; restrictions and permitted nuisances.

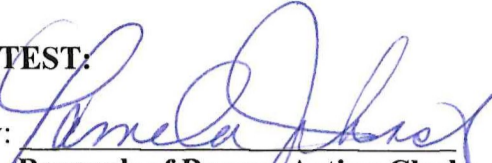
- A. The right to farm shall be protected in the A-1, R-4 and R-5 Zones, as well as the P-A and P-R4 Zones of the Pinelands Area, subject to the regulations governing farm and livestock operations, to the prohibited uses specified below, to the standards set forth in the schedules herein[1] and to the health and sanitary codes.
- B. The right to farm protection includes the right to use irrigation, fertilizer, insecticides and herbicides, as well as the right to house and graze farm animals.
- C. The right to farm protection shall not extend into the R-1, R-2 and R-3 Zones and the P-R3 Zone of the Pinelands Area, nor shall it extend into the B-1, B-2 and B-3 Zones and the P-B2 Zone of the Pinelands Area, nor shall it extend into the I-1 Zone and the P-I Zone of the Pinelands Area.
- D. In all zones except the A-1 as well as the P-A and P-R4 Zones of the Pinelands Area, the keeping of farm animals such as horses, cows, bulls, mules, donkeys, poultry, rabbits, sheep or goats shall be prohibited unless the property on which they exist comprises at least three acres and said farm animals are not bred for commercial purposes.
 - (1) No more than five farm animals or 25 rabbits, chickens or other poultry may be kept on such three-acre properties, except for in the R-4 and R-5 Zones, where no more than five farm animals or 10 rabbits, chickens or other poultry may be kept on such three-acre properties.
 - (2) All structures required to shelter animals on such three-acre properties shall be limited to no more than 50% of the square footage of the dwelling existing thereon.
 - (3) All farm animals kept on such three-acre properties shall be properly fenced and contained to prevent them from wandering onto neighboring lands or public streets.
 - (4) The housing and grazing of said animals on such three-acre properties is prohibited unless the owner or keeper resides in a dwelling house located on the same lot or on a contiguous lot to that on which the animals are housed and grazed


BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

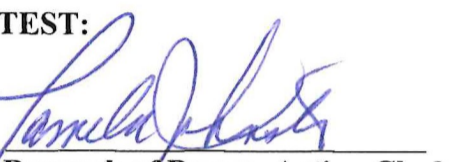
Passed First Reading: August 12, 2024

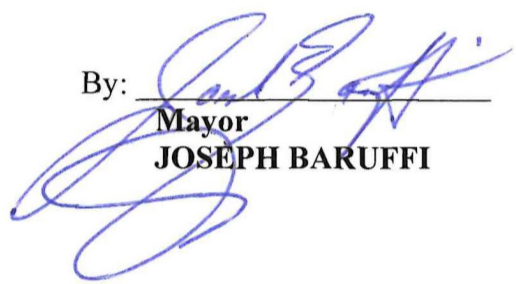
Passed Second Reading: September 16, 2024

ATTEST:
 By: 
 Borough of Buena- Acting Clerk
 PAMELA JOHNSTON

By: 
 Council President
 DOUGLAS ADAMS

APPROVED on this 16th day of September 2024, by the Mayor of the Borough of Buena.

ATTEST:
 By: 
 Borough of Buena- Acting Clerk
 PAMELA JOHNSTON

By: 
 Mayor
 JOSEPH BARUFFI

ORDINANCE NO. 759

Introduced: August 12, 2024

Adopted: September 16, 2024

| Councilmember | By | 2 nd | Yes | No | Abstain | Absent |
|---------------|----|-----------------|-----|----|---------|--------|
| GIOVINAZZI | | | X | | | |
| ALVAREZ | | | X | | | |
| ADAMS | | X | X | | | |
| BARSUGLIA | X | | X | | | |
| ANDALORO | | | X | | | |
| DESTEFANO | | | X | | | |

| Councilmember | By | 2 nd | Yes | No | Abstain | Absent |
|---------------|----|-----------------|-----|----|---------|--------|
| GIOVINAZZI | | | X | | | |
| ALVAREZ | X | | X | | | |
| ADAMS | | X | X | | | |
| BARSUGLIA | | | X | | | |
| ANDALORO | | | X | | | |
| DESTEFANO | | | | | | X |