

**ORDINANCE NO. 14, 2024**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PITMAN,  
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING THE CODE OF  
THE BOROUGH OF PITMAN BY REPEALING AND REPLACING  
CHAPTER 5 SECTION 25 BACKYARD CHICKEN PROGRAM**

**WHEREAS**, on June 28, 2021, the Mayor and Council of the Borough of Pitman adopted Ordinance 4-2021 which created a Chicken Advisory Pilot Program in the Borough of Pitman;

**WHEREAS**, pursuant to Ordinance 4-2021, the Borough permitted a pilot program allowing the keeping of backyard chickens subject to certain rules, limitations and regulations for a two year period subject to continuation by resolution of the Mayor and Borough Council.

**WHEREAS** Ordinance 4-2021 was due to expire on June 14, 2023, on that same date, the Mayor and Borough Council adopted Resolution 90-2023 extending the Chicken Advisory Pilot for an additional year; and

**WHEREAS**, due to the success of the program and the desire to continue to allow the keeping of backyard chickens in the Borough of Pitman subject to certain regulations and restrictions, the Mayor and Council of the Borough of Pitman have determined the necessity of certain amendments to Chapter 25, Backyard Chicken Program to include making the program permanent, removing limits on the number of licenses available and adjusting the license fee, providing for annual inspections, and reducing the size of the Chicken Advisory Board and providing for the enforcement of regulations by the Code Official,

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, Chapter 5, Section of the Code of the Borough of Pitman is repealed in its entirety and replaced with the following “Backyard Chicken Program”:

## **§ 5-25. BACKYARD CHICKEN PROGRAM.**

### **§ SECTION 1. Program Established.**

The keeping of backyard chickens is hereby authorized as an exception from Chapter 5, Animal Control, § 5-24, Keeping of Animals and Fowl. Keeping of backyard chickens shall be permitted in the Borough of Pitman subject to the rules and regulations as specified in this section..

### **§ SECTION 2. Eligibility.**

The following shall be eligible to participate in the program: residents of single-family homes or residents of "twin" homes or "row" homes which meet the criteria set forth in this section. If the property is located within a Homeowners Association's (HOA) jurisdiction, the property owner must submit written permission from the HOA for the Borough of Pitman to issue any license set forth in this section. If a resident applicant is not the owner of the property where the chickens are to be placed, written consent of the owner shall be submitted with the application.

### **§ SECTION 3. Number of Licenses.**

There shall be no limit on the number of licenses the Borough can authorize..

### **§ SECTION 4. Number of Chickens Limited.**

There shall be a limit of eight chickens per license. No roosters are permitted.

### **§ SECTION 5. Location of Coops and Runs.**

The coop and enclosed run shall be kept in the rear yard at least 25 feet from the habitable portion of the neighboring residential dwelling and 10 feet from each property line. Garages, attached or otherwise, and accessory buildings shall not be considered a 'residential dwelling' for the purposes of calculating the required distance. Chickens may roam outside of the coop area in a backyard suitably fenced to keep them contained provided that a resident age 18 or older is present the entire time.

### **§ SECTION 6. License Required.**

No person shall keep chickens on his or her property without first obtaining a license from the Municipal Clerk's office and paying the required fee therefor. No license shall be issued unless the applicant therefor has demonstrated compliance with all criteria set forth in this section and the Code Official has approved the coop. Every license issued pursuant to this section shall expire on December 31 of each year. A license shall not be granted unless the applicant certifies that there are no deed restrictions which prevent chickens from being kept on the property.

### **SECTION 7. License Fee.**

A license fee of \$15 shall be paid for each license issued pursuant to this section.

### **SECTION 8. Inspections.**

Applicants agree to allow Chicken Advisory Board members, local or county health inspector, and/or the Code Enforcement Officer to inspect the property for any violations pursuant to the provisions of this section.

## **SECTION 9. Keeping and Housing Regulations.**

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

- a. The coop shall be the appropriate size for the number of chickens, which shall be at least four square feet of space per chickens with a maximum size of 10 feet by 10 feet. The coop shall be inspected by the Borough prior to the granting of a license.. Maximum height is ten (10) feet, including any riser, platform or space beneath the coop.
- b. The coop shall be dry and well ventilated with windows to admit sunlight.
- c. The coop must be kept clean.
- d. The coop and enclosed run must be made predator-proof.
- e. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.
- f. The yard in the area where the coop located shall be clean and free from odors.
- g. There shall be no slaughter of chickens on site under this program.
- h. Waste will be handled in such a way as proper composting to prevent offensive odors or disposed of in an environmentally friendly manner. Waste shall not be disposed of as part of the normal trash collection and recycling collection.
- i. There shall be no selling of eggs.
- j. The coop shall include a permanent roof as part of its construction.
- k. The coop shall be painted or stained so that at no time is unpainted or unstained wood visible from the exterior of the coop.
- l. The coop shall be subject to an inspection by the Code Enforcement Official annually.

## **SECTIN 10. Chicken Advisory Board.**

A Chicken Advisory Board consisting of two members of the community shall be formed; the members shall be appointed by the Mayor, with the approval of Council. One Council member to serve as the liaison shall be appointed by the Mayor. The Board shall meet on annually or more often if necessary and keep minutes which shall be submitted along with an annual report to the governing body via the Borough Council member selected by the Borough Council as liaison to the Chicken Advisory Board. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chickens and the resolution of those complaints.

## **SECTION 11. Complaints; Investigation.**

When a complaint is received by the Borough, it will be forwarded to the Chicken Advisory Board for investigation. If the Board finds a violation of this section, solutions will be discussed with the offending resident to allow the resident to meet the requirements of the ordinance. However, if after 30 days, the violation has not been remedied, the Code Official will be notified so that enforcement proceedings can be implemented. The Chicken Advisory Board will assist anyone desiring to no longer participate in the backyard chicken program to relocate chickens.

**SECTION 12. Violations; Hearings.**

Failure to comply with the conditions and regulations set forth in this section shall result in revocation of the license after notice. A resident whose license has been revoked may request a hearing before the governing body may be requested by submitting a request for hearing in writing to the Borough Clerk within ten (10) days of the date notice of revocation is served on the licensee. Any person violating any provision of this Chapter shall, upon conviction thereof, be liable to the penalties stated in Chapter 1, § 1-5, with a minimum penalty of \$25.

**SECTION 13. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

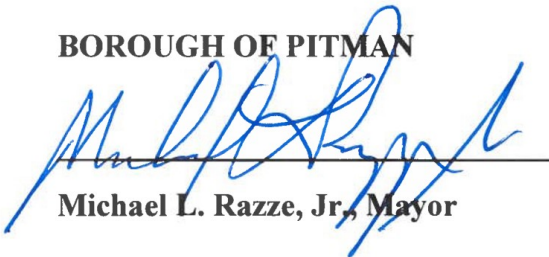
**SECTION 14. Repealer:**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 15. Effective Date:**

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

**BOROUGH OF PITMAN**



Michael L. Razze, Jr., Mayor

**ATTEST:**




Sandra McCafferty, Borough Clerk

<b><u>ROLL CALL VOTE</u></b>				
	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
<u>Fitzpatrick</u>	✓			
<u>James</u>	✓			
<u>Bially</u>	✓			
<u>Mazzola</u>	✓			
<u>Milward</u>	✓			
<u>Uyehara</u>	✓			
<u>Razze</u>				

**CERTIFICATION**

The Ordinance was introduced and passed upon first reading on the 22nd day of July, 2024 at a meeting of the Borough Council of the Borough of Pitman, Gloucester County, New Jersey. A Public Hearing and final adoption were taken at a regularly scheduled meeting of the Mayor and Borough Council of the Borough of Pitman held on the 12<sup>th</sup> day of August, 2024 in the Borough Municipal Hall located at 110 S. Broadway, Pitman, New Jersey.



Sandra McCafferty, RMC

Borough Clerk/Administrator