

ORDINANCE 2023-11
Ordinance Amending Chapter 35A of the Code of the Borough of Washington, entitled
“Agricultural Animals, Keeping of”

WHEREAS, the Borough of Washington Chapter 35A of the Code permits the keeping of certain agricultural animals on a residential property;

WHEREAS, *Rutgers Cooperative Extension and the New Jersey Agricultural Experiment Station have developed recommended animal husbandry management practices agricultural animals on residential*

WHEREAS, all livestock in New Jersey must be raised in conditions to meet or exceed the standards set by N.J.A.C. 2:8 – Humane Treatment of Domestic Livestock.

WHEREAS, the criteria to be considered in keeping agricultural animals on residential properties are Aesthetics, Animal density, Animal health, Animal husbandry, Animal welfare, Environmental stress, Municipal administration, Safety, Shelter and confinement need Waste management.

WHEREAS, the Borough Council desires to amend its ordinances to expand the agricultural animals to be permitted on residential properties; and

WHEREAS, the Borough Council desires to further amend its ordinances to conform with the animal husbandry management practices developed by the Rutgers Cooperative Extension and the New Jersey Agricultural Experiment Station and in conformance with the requirements of N.J.A.C. 2-8 et seq.; and

Section 1. Chapter 35A of the Code of the Borough of Washington, entitled “Agricultural Animals, Keeping of” shall be amended as follows (deletions noted with strikethrough ~~thus~~ and additions noted in bold italic *thus*):

§ 35A-1. Definitions.

The words hereinafter defined shall have the meanings herein indicated for the purposes of this chapter, as follows:

AGRICULTURAL ANIMAL

Any animal other than a dog or cat as defined in this chapter whose ownership and keeping is not otherwise regulated by the State of New Jersey or the United States Government and that lives primarily outdoors and/or outside of a primary structure on any property located within the Borough.

ANIMAL UNIT

A unit of measure equaling 1,000 pounds of live animal weight.

BOROUGH

The Borough of Washington, in the County of Warren.

ANIMAL WASTE MANAGEMENT PLAN

Written procedures for the collection, use and disposal of animal waste that conforms with the standards established by New Jersey Department of Agriculture Division of Agricultural and Natural Resources and approved by the Borough's Animal Control Officer.

CHICKEN-POULTRY

Any female or hen domesticated subspecies of the red junglefowl, also known as *Gallus gallus domesticus*, *domestic fowl*, such as *chickens, turkeys, ducks, and geese*, and specifically excluding males or roosters, and guinea fowl.

CHICKEN POULTRY ENCLOSURE

Any ~~chicken~~ house, ~~chicken~~ yard, ~~chicken~~ coop, ~~chicken~~ run, cage or other structure, or combination thereof, for the harboring and keeping of any **poultry that conforms with the requirements of N.J.A.C. 2-8** ~~chickens~~.

§ 35A-2. Requirements for keeping of ~~chickens~~ **poultry**.

A. The keeping of ~~chickens~~ **poultry, for personal use**, shall be restricted to one to four family residential properties. Nothing in this chapter shall be construed to permit the keeping of ~~chickens~~ **poultry** on multifamily residential properties or any commercial or public property.

B. ~~Chickens~~ **Poultry** kept within the Borough shall be required to be housed in a ~~chicken~~ **poultry** enclosure providing adequate shelter and protection from wind, precipitation, sun, cold, and heat with not less than three square feet of interior space per chicken **and with not less than six square feet of interior space per bird for all other poultry**. ~~Chickens~~ **Poultry** shall be permitted to "free range" on residential property, provided the property is enclosed by a fence not less than four feet in height and free of any opening large enough to permit passage of a ~~chicken~~ **bird** of any size. ~~Chicken~~ **Poultry** enclosures located on unfenced properties shall be required to include a completely enclosed ~~chicken~~ run attached thereto which provides 10 square feet of space per ~~chicken~~ **bird** as well as protection from predators on the top, bottom, and sides constructed of wire cloth, woven wire, or like material. Verification of adequacy of fences and/or ~~chicken~~ **Poultry** enclosures and runs shall **conform with the Rutgers Cooperative Extension Or New Jersey Agricultural Experiment Station standards and shall** be subject to approval by the Zoning Officer with the advice and consent of the Animal Control Officer.

C. ~~Chicken~~ **Poultry** enclosures on any lot shall be located not less than ~~75~~ **30** feet from any dwelling house located on any property other than the dwelling house occupied by the owner of the ~~chickens~~ **Poultry enclosure** enclosed therein and shall further be located in accordance with any and all regulations regarding the permitting, construction, and location of accessory structures provided for in Chapter **94**, Zoning and Land Development.

D. ~~Chicken~~ **Poultry** enclosures shall be kept in a clean and sanitary condition which will prevent them from becoming a nuisance or annoyance or interfering with the general well-being of other residents of the Borough.

E. The keeping of ~~chickens~~ **Poultry** within the Borough of Washington shall require a license issued by the Borough Clerk, **the filing of the Animal Waste Management Plan with the Borough Clerk**,

and zoning approval for a ~~chicken~~ **Poultry** enclosure must be obtained as a prerequisite before a chicken-keeping license can be issued.

F. For all lots of 2.99 acres in area or less, the keeping of not more than six ~~chickens~~ **Poultry** shall be permitted. No other type of agricultural animals may be kept on lots of 2.99 acres or less.

G. For all lots of 3.0 acres to 3.99 acres in area, the keeping of not more than four ~~chickens~~ **Poultry** per acre shall be permitted. No other type of agricultural animals may be kept on lots of 3.00 acres or less.

§ 35A-3. Requirements for keeping of agricultural animals of any kind.

A. The keeping of agricultural animals of any kind, as defined in this chapter, for any purpose, with the exception of ~~chickens~~ **Poultry**, as defined in this chapter and subject to certain regulations contained herein, shall be expressly prohibited on lots of less than 4.0 acres. On lots of 4.0 acres or more, the keeping of the equivalent of 0.25 animal unit per acre shall be permitted.

B. Animals permitted on lots of 4.0 acres or more.

(1) In accordance with foregoing Subsection **A** with regard to animal units per acre, only the following animals or variants of animals listed herein shall be permitted to be housed on lots of 4.0 acres or more:

(a) Horses, miniature horses, or ponies.

(b) Dairy or beef cattle.

(c) Sheep.

(d) Goats.

(2) Any animal or variant not specifically listed herein shall not be permitted to be housed on lots of 4.0 acres or more.

C. Animals listed in foregoing Subsection **B** must be provided with not less than one securely fenced acre, subject to zoning approval by the Zoning Officer in accordance with Chapter **94**, Zoning and Land Development, with the advice and consent of the Animal Control Officer.

D. The keeping of animals listed in foregoing Subsection **B** within the Borough of Washington shall require a license issued by the Borough Clerk, and zoning approval for an animal enclosure must be obtained as a prerequisite before an agricultural animal-keeping license can be issued.

E. The submission of a Animal Waste Management Plan.

§ 35A-4. Licensing fee.

A. Persons wishing to keep agricultural animals permitted by this chapter shall pay a licensing fee annually as follows:

(1) Agricultural animal license, lots of 3.99 acres or less: \$15.

(2) Agricultural animal license, lots of 4.0 acres or more: \$25.

§ 35A-5. Nonconforming lots or animals.

A. Any person owning, harboring, or keeping agricultural animals not specifically permitted by this chapter, or owning, harboring, or keeping agricultural animals in such a manner inconsistent with this chapter, shall be required upon passage of this chapter to dispose of, relinquish, or otherwise convey said animals in order to comply with this chapter.

B. *Any person may petition the Mayor and Council for relief from the lot size requirements set forth in this chapter by making an application to Borough Clerk.*

§ 35A-6. Slaughter of animals prohibited.

No person shall slaughter any agricultural animal regulated under this chapter for any purpose.

§ 35A-7. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine not more than \$500 or by imprisonment in the county jail for a term not to exceed 90 days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter, and each day the same is violated, shall be deemed and taken to be a separate and distinct offense.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 3. 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 portions thereof.

Section 4. This Ordinance shall take effect upon final passage and publication according to law.

Introduced: May 18, 2023

Public Hearing/Adoption: June 20, 2023