

ORDINANCE NO. 17-2014

AN ORDINANCE FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REVISION OF CHAPTER 5, ENTITLED "ANIMALS" OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972" WITH A NEW ARTICLE 3 THAT PROVIDES FOR THE REGULATION OF LIVESTOCK, CHICKENS AND POULTRY.

WHEREAS, in recent years the concept of local sustainability has inspired an interest in the keeping of chickens and other farm animals as a source of backyard food production; and

WHEREAS, there are few properties in the Borough of Morris Plains that are large enough to ensure that the keeping of various types of farm animals would not be likely to result in nuisance to adjacent residents because of noise, odor, waste management, the additional need for accessory structures and the increased potential for attacks by predatory animals that pose a danger to the public health, safety and welfare of the residents of the Borough; and

WHEREAS, Borough officials have recently dealt with various farm animals being kept as pets at residential properties in the Borough of Morris Plains that were either found running at large, or the subject of complaints from other residents; and

WHEREAS, the Borough Council is desirous of regulating the keeping of such animals within the Borough to ensure the successful integration of certain farm animals into residential neighborhoods, while simultaneously protecting the health, safety, and general welfare of Morris Plains residents by eliminating the risks associated with keeping of other farm animals that are not appropriate in residential neighborhoods in a suburban community with relatively small lot sizes such as the Borough of Morris Plains.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Chapter 5, "Animals" of The Revised Ordinances of the Borough of Morris Plains, New Jersey, 1972" (hereinafter "Revised Ordinances or "Revision") is hereby amended, supplemented and revised with the addition of a new Article 3, entitled "Livestock, Chickens and Poultry", which shall read, in its entirety, as follows:

Article 3. Livestock, Chickens and Poultry.

5-40. Purpose.

The purpose of this ordinance is to provide appropriate standards and regulations for the keeping of certain farm animals for non-commercial purposes within a suburban residential environment so as to avoid adverse impacts on neighboring properties and residents.

5-41. Definitions.

(a) "Chickens" shall mean female chickens or hens.

(b) "Livestock" shall mean any camelid or hooved animal raised for domestic or commercial use, including but not limited to horses, mules, llamas, alpacas, cattle, sheep, goats and swine, including miniature and pot-bellied pigs.

(c) "Poultry" shall mean any species of domestic fowl, including roosters, turkeys, ducks, geese, peafowl, ostriches, emus, waterfowl and game birds, except chickens (females or hens) as defined herein are excluded.

5-42. Livestock and poultry prohibited.

No person shall shelter, maintain, keep or harbor any livestock or poultry on any property within the Borough of Morris Plains.

5-43. Chickens permitted.

(a) The keeping of chickens on properties located within the Borough of Morris Plains shall be permitted in accordance with the following regulations and conditions:

- (1) A maximum of six (6) chickens shall be permitted on any parcel of land in contiguous ownership regardless of lot area.
- (2) The keeping of roosters is expressly prohibited.
- (3) All chickens shall be securely confined within a structure or enclosure surrounded by a secure fence of sufficient height and strength to confine the chickens and serve as protection from weather and predators.
- (4) All such structures or enclosures shall be screened from view from the street.
- (5) All such structures and enclosures shall be kept in a clean, healthy and sanitary condition by the person possessing or occupying the property and no person shall permit any noise, odor or other nuisance to be formed or maintained.
- (6) All structures and enclosures shall require an accessory building permit and shall adhere to all zoning requirements, including the requirements for accessory structures.

5-44. Enforcement; violations and penalties.

The provisions of this Article shall be enforced by the Borough Construction Official, Borough Zoning Officer, Borough Police Department and Borough Health Officer. Any person, firm or corporation violating any of the provisions of this Article shall be subject to the penalties provided in Section 1-9 of the Revised Ordinances of the Borough of Morris Plains. Each and every violation of this Article and each and every day that any violation of this Article shall continue shall be construed as a separate and distinct violation.

Section 2:

All other provisions of the aforesaid Chapter 5 of the Revised Ordinances shall be unaffected and are hereby continued.

Section 3:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: November 13, 2014

Adopted: December 4, 2014

/s/ Frank J. Druetzler