

**BOROUGH OF RIVER EDGE
ORDINANCE NO. 23-14**

**AN ORDINANCE CREATING A NEW CHAPTER IN THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVER EDGE, ENTITLED
'PROHIBITION OF DOMESTIC FOWL AND ROOSTERS'**

WHEREAS, Borough of River Edge Board of Health, Health Officer, and his/her designated Registered Environmental Health Specialists have a responsibility to maintain and ensure the public's health, welfare and safety of all members of the Borough of River Edge community; and

WHEREAS, after extensive research and review of keeping domestic fowl due to the growing phenomenon, The Borough of River Edge Board of Health has determined that this ordinance be adopted to address the definitions, regulations and specifications of prohibiting them within the Borough of River Edge; and

WHEREAS, the definition of "Domestic Fowl" shall be as follows and defined within the recommended Ordinance, "Birds mostly kept for meat consumption and the production of byproducts such as eggs or feathers, which shall include, but not be limited to, chickens, ducks, turkeys, geese and pigeons"; and

WHEREAS, the Board of Health has heard the complaints of the public community regarding currently kept domestic fowl causing public health nuisances such as foul odors, the existence and presence of stagnant water and liquid, uncontrollable noises and improper property maintenance which may be injurious to the health of the inhabitants of this municipality and allow cause of discomfort to persons living or passing in the vicinity thereof; and

WHEREAS, the existence or presence of domestic fowl within the Borough of River Edge may allow the nuisance of the accumulation of domestic animal feces, garbage, refuse, manure, animal or vegetable matter which attract flies, rodents, vermin or other insects; and

WHEREAS, Coops, Chicken runs, chicken Houses, or other enclosed structures that accumulate or maintain their food, water, husbandry matter or things may serve or constitute a breeding place or harborage areas and conditions for insects, vermin or rodents within the Borough of River Edge; and

WHEREAS, The New Jersey Department of Agriculture has named the following communicable diseases, which originate within domestic fowl, dangerous and transmissible: Laryngotracheitis, Duck viral enteritis, Newcastle disease, Plaque-like Avian Influenza, Fowl cholera, Fowl or bird Pox, Chlamydiosis, Salmonella, Tuberculosis, Mycoplasmosis, Pullorum disease and fowl typhoid, or such other dangerous diseases.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

Section 1. A new chapter entitled "Prohibition of Domestic Fowl and Roosters" is created with the following:

§ 1 INTENT

The intent of this ordinance is to define, enact and regulate the prohibition of keeping domestic fowl within the Borough of River Edge while protecting the health, safety and general welfare of the residents and the public community.

§ 2 DEFINITIONS

Board of Health The governing body concerned with public health within the Borough of River Edge.

Chicken run or pen shall mean a fenced, covered, or other type of enclosure open to the elements, for the purpose of allowing chickens to roam freely while remaining in a predator-safe environment potentially attached to a henhouse or chicken coop.

Domestic Fowl shall mean, birds in the zoological class of Galliformes, Anseriformes and Columbidae which can be commonly kept for the consumption, sell or production of meat, eggs, feathers, or other by product, which shall include, but not be limited to, chickens (roosters and hens), ducks, quail, geese, swans, doves, turkeys, pigeons, pheasant pea fowl, guinea fowl, ostriches, peacocks and emus; but excluding tropical birds generally confined to small indoor cages, such as parrots, parakeets, finches, canaries and the like.

Feed To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife or domesticated animals. Feeding does not include baiting in the legal taking of fish and/or game.

Fowl SEE definition for DOMESTIC FOWL

Health Officer A public health official who, and his/her designees administers and enforces laws pertaining to environmental health and sanitation.

Hen A domestic female hen considered a chick, pullet, or adult.

Henhouse or Chicken Coop A structure providing shelter for chickens which is completely enclosed, predator resistant and allows for sunlight, ventilation, and seasonal protection from elements.

Owner Any individual, firm, company, organization, association, syndicate, partnership, or corporation having legal or sufficient proprietary interest, in charge, in care, or in control of all premises.

Person shall mean any individual or entity owning property within the Borough of River Edge

Pet Cemeteries Any burial ground building provided by any person, whether for profit, to veterinarians or members of the public for use, or reservation for use, for the permanent interment or inurnment above or below ground of pet remains.

Rodent Small gnawing mammals such as a mouse, squirrel, or rats

Rooster shall mean a chicken who is six weeks or older with distinguished plumage color, long tail feathers, a large comb and wattles or a male domestic chicken capable of crowing and fertilizing hen's eggs.

Vermin Any noxious species including but not limited to flies, fleas, insects, and certain species of beetles.

Wildlife Living things and especially mammals, birds, and fishes that are neither human nor domesticated includes but not limited to racoons, bears, deer's, ground hounds, chipmunks, squirrels or other independently living species within the borough of River Edge

§ 3 PROHIBITION OF KEEPING LIVE DOMESTIC FOWL OR ROOSTER

- A. No person or owner within the Borough of River Edge shall maintain any live Domestic Fowl including but not limited to cud-chewing or hoofed animals, roosters kept in chicken runs, pens, houses, coops or allow to free roam, Except for the Bergen County Zoo within Van Saun County Park.
- B. It shall be unlawful for anyone to keep pigeons for any purpose, in chicken runs, pens, houses or coops or free roaming.
- C. It shall be unlawful to keep any rooster within the Borough of River Edge.
 1. No person shall allow domestic fowl or roosters to be kept on premises that scream, chatter or crow in violation to Borough Chapter 296, entitled "Noise."
- D. Any owner or person keeping domestic fowl or roosters within the Borough of River Edge prior to the adoption of this ordinance, shall forfeit their ownership

within 60 days of the effective date of this ordinance or a reasonable time allocated by the Board of Health.

1. All domestic fowl shall be removed from premises as per Section 5A of this ordinance.
2. It shall be unlawful to remove or relocate domestic fowl or roosters in an inhumane manner or is not in the direction of the Board of Health, The Health Officer, or his/her designees.

§ 4 PROHIBITION OF BREEDING DOMESTIC FOWL

- A. No owner or person shall breed, raise, sell domestic Fowl or their byproducts for domestic or commercial purposes within the Borough of River Edge.

§ 5 NOTICE TO REMOVE

- A. The owner or person in violation of this ordinance, is hereby required to remove, from such lands and property, any domestic fowl found, witnessed, proven to exist or observed by the Health Officer or his/her designee, no less than 24 hours, after receipt of a Notice of Violation stating abatement requirements.
 1. All domestic fowl shall be relocated or sold to a commercial farm or similar entity in a county, town or state that allows the keeping of domestic fowl.
 2. Additional abatement regulations which may be required must be followed at the will of the Health Officer and his/her designees.
- B. It shall be unlawful for any person to slaughter any domestic fowl or rooster within the Borough of River Edge.
- C. Domestic Fowl may not be buried at any depth within the Borough of River Edge.
- D. It shall be unlawful to have a pet cemetery within the Borough of River Edge.

§ 6 ENFORCEMENT

- A. This article shall be enforced by the Health Officer and his/her designees and the Police Department.
- B. Whenever the Health Officer and his/her designees or the Police Department become aware that domestic fowl are being kept within the Borough of River Edge or observe any violation named in this article, they may issue a summons which shall be answerable before the Borough Judge.
- C. A violation of any of the provisions of any article that exists repeatedly shall constitute as a separate violation daily.

§ 7 VIOLATION AND PENALITIES

- A. Except as otherwise provided by N.J.S.A. 4:19-15.1 et seq., any person who violates this chapter shall be liable to a penalty of not less than two hundred and fifty dollars (\$250.00) no more than one thousand (\$1000.00) for each individual and if applicable, daily offense, in the name of the Borough of River Edge.
- B. Complaints shall be made to the Municipal Court in the Borough of River Edge, or any other court that shall be of competent jurisdiction. This provision shall not be construed as to limit the court's power to impose other and additional penalties as provided by N.J.S.A. 26:3-77 and 26:3-78.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section

or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED: August 14, 2023

ADOPTED: September 14, 2023

	Motion	Second	Yes	No	Abstain	Absent
Chinigo						X
Kaufman	X		X			
Montisano- Koen			X			
Kinsella						X
Malellari						X
Benson		X	X			
Mayor Papaleo						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of River Edge on September 14, 2023



Anne Dodd, RMC
Borough Clerk



Thomas Papaleo, Mayor