

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

ORDINANCE #2024-16

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 20,
“ANIMALS,” AND ADDING ARTICLE III, “BACKYARD CHICKENS,”
TO THE TOWNSHIP CODE**

WHEREAS, residents of the Township of Andover have expressed desire to keep and raise chickens in their backyards; and

WHEREAS, the keeping of backyard hens and other fowl and livestock is generally prohibited in residential zones under the Andover Township Code; and

WHEREAS, the Township Committee desires to enable residents to keep a small number of female chickens on a non-commercial basis, while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Andover that the Code of the Township of Andover shall be amended as follows:

SECTION 1.

1. § 20-35. Chickens permitted.

Keeping of backyard chickens shall be permitted in the Township of Andover subject to the rules and regulations as specified in this article.

2. § 20-36. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BACKYARD

A yard extending along the full length of the rear lot line and to a line drawn parallel with the rear lot line and intersecting the back of the building at its nearest point from the rear lot line.

CHICKENS

Include hens but shall not include roosters.

CHICKEN ADVISORY BOARD

A five-member advisory board responsible for reviewing applications submitted by residents as well as provide written procedures and practices for the raising backyard chickens within the Township.

RESIDENTIAL PROPERTY

Property that is purposed as a detached single-family, single-family semidetached, or duplex or two-family. For the purposes of this chapter, residential property shall not include property that is purposed as a townhouse or apartment house or multiple dwelling.

SHELTER or COOP

An accessory structure where female chickens or poultry are typically kept secure consisting of an indoor area containing nest boxes for egg laying and perches on which the birds sleep, to be covered, made predator-proof, and kept free from rodents.

RUN

A fenced-in outdoor area typically made from chicken wire or similar nonsolid fencing capable of containing the chickens, where chickens feed and may roam during the day, to be covered, made predator-proof, and kept free from rodents.

3. § 20-37. License required; fee; expiration; certifications.

- A. No person shall keep chickens on his/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 Article III.
- B. Every license issued pursuant to this article shall expire on December 31 of each year.
- C. A license fee of \$15 shall be paid for each license issued pursuant to this article.
- D. Before obtaining a license, the applicant must certify:
 - (1) Proof of attendance at class on 'The Basics of Raising Backyard Chickens.' Proof of attendance must be presented with the completed application. The Township will provide information on how to attend this class. The handling of the class will be the responsibility of the Chicken Advisory Board, the members of which are also required to attend the class. A member of the Chicken Advisory Board will review

the application with the applicant prior to final submission;

- (2) The applicant is the owner of the residential dwelling and the property where the chicken coop is located or, if an applicant rents the residential dwelling, has obtained permission from the property owner to keep and maintain chickens on said property;
- (3) The applicant has provided and will maintain an appropriate shelter or coop for the number of chickens sought to be licensed and has obtained all necessary permits and approvals required for such accessory building or structure.

4. § 20-38. General regulations.

- A. No roosters are permitted.
- B. There shall be no slaughter of chickens in Andover Township.
- C. No more than 30 licenses may be issued at any one time. Any additional households wanting to participate may be considered on an individual basis by the Chicken Advisory Board established pursuant to § 20-40 in conjunction with the liaison to the governing body.
- D. There shall be a limit of eight chickens per license. New licensees, defined as those individuals obtaining a license on or after the effective date of this article, shall only be permitted a maximum of four chickens for their first year. Following the first year, new licenses must notify the Chicken Advisory Board if they wish to add more hens, subject to the aforesaid eight-chicken limit.
- E. Chickens, chicken coops and enclosed chicken runs are permitted only in the backyard of any eligible property.
- F. Chickens may be permitted to roam outside of the shelter and enclosed run during daylight hours in the backyard of the residential property only if a resident aged 18 or older is present the entire time.
- G. There shall be no selling of eggs.
- H. Every person owning, keeping or harboring any chickens pursuant to this Article shall prevent such chickens from becoming a public nuisance

5. § 20-39. Requirements for coops; waste.

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

- A. Chickens shall be housed in structures, commonly known as “coops,” with enclosed runs, which shall be maintained to ensure the safety of the chickens and individuals.

- (1) The coop shall be the appropriate size for the number of chickens.
- (2) The coop shall be dry and well-ventilated with windows to admit sunlight.
- (3) The coop must be kept clean.
- (4) The coop and enclosed run must be covered, and must be made predator-proof and kept free from rodents.
- (5) Clean water must be provided, and food must be kept tightly closed in a container away from the coop and run at night.
- (6) The coop shall be set back at least 20 feet from any property line. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distances.
- (7) For any property that abuts a lake or other natural water feature, the coop or run shall be set back at least 20 feet from the high-water mark.
- (8) The maximum permitted area of any chicken coop or run shall be 100 square feet, and no property shall contain coops and/or runs which together comprise an area of more than 200 square feet.
- (9) The maximum permitted height of any chicken coop structure(s), whether or not said coops are stacked, shall be twelve (12) feet as measured from the natural grade.
- (10) The yard in the area where the coop is located shall be clean and free from odors.

- B. Waste will be handled in such a way as proper composting to prevent offensive odors or disposed of in an environmentally friendly manner.

6. § 20-40. Creation of Chicken Advisory Board; complaints.

- A. A Chicken Advisory Board consisting of five members of the community shall be formed. The Chair will be appointed to a one-year term by the Mayor. The Chair will select the other four members, with approval of the governing body, who will also serve for one-year terms. Besides the Chair, one member will be appointed Vice-Chair, one member will be appointed Secretary of the Board, and the remaining members will be at-large. The Board shall meet on a quarterly basis and keep minutes which shall be submitted along with an annual report to the governing body via the Township Commissioner selected 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, if any, of those complaints.
- B. When a complaint is received by the Township, it will be forwarded to the Chicken Advisory

Board for investigation by two members of the Board. If the Board finds a violation of this article, solutions will be discussed with the offending resident to allow him/her to meet the requirements of this article as soon as possible. However, if, after 30 days, the violation has not been remedied, the Township Commissioner liaison will be notified so that enforcement proceedings may be implemented. The Chicken Advisory Board will assist anyone desiring to no longer keep backyard chickens to relocate his/her chickens.

- C. No person shall hinder, molest or interfere with anyone performing any duty which he or she is authorized or empowered to perform under this chapter.

7. § 20-41. Violations and penalties.

Any individual owning, keeping, maintaining, or harboring a chicken in violation of this chapter shall be liable for penalties as prescribed by Chapter 1, Article II, of the Township Code.

SECTION 2. This Ordinance shall take effect upon final passage and publication according to law.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 6. This Ordinance may be renumbered for codification purposes.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on September 19, 2024. A public hearing regarding same will be held at a hybrid meeting scheduled for October 3, 2024, beginning at 7:00PM, to be held both in person and virtually via Zoom, which details for accessing the meeting are as follows:

Zoom Meeting

<https://us02web.zoom.us/j/85385763939?pwd=Y0xXTzRKSGorZmVpWVpYbmttSVJ6>

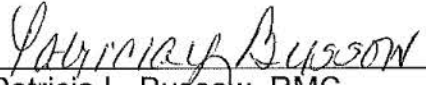
QT09

Webinar ID: 853 8576 3939

Passcode: 814400

Phone: +1 929 205 6099

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same. Copies of said Ordinance will be made available at the Clerk's office in the Township of Andover Municipal Building to the members of the general public who shall request the same.



Patricia L. Bussow, RMC
Administrator/Municipal Clerk

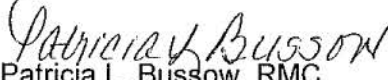
TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE #2024-16

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AMENDING CHAPTER 20, "ANIMALS," AND
ADDING ARTICLE III, "BACKYARD CHICKENS," TO THE TOWNSHIP CODE

NOTICE OF FINAL ADOPTION

PUBLIC NOTICE is hereby given that the foregoing Ordinance was adopted at a public hearing held at a Hybrid Meeting of the Township Committee of the Township of Andover on October 3, 2024. Said Hybrid Meeting was held virtually via Zoom and in person at the Municipal Building, 134 Newton Sparta Road, Newton, NJ 07860, at which time all persons were given the opportunity to be heard concerning same. This Ordinance shall take effect immediately upon publication, as required by law.


Patricia L. Bussow, RMC
Administrator/Municipal Clerk

