

Borough of Fair Lawn



ORDINANCE NO. 2632-2022

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62, ANIMALS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN 2000, BY ADDING A NEW ARTICLE VI, ENTITLED, "REGULATIONS GOVERNING THE KEEPING OF FOWL"

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that:

SECTION 1: Chapter 62, Animals, is hereby amended and supplemented by inserting the text **underlined and marked in bold**, as follows:

ARTICLE VI Regulations Governing the Keeping of Fowl

§ 62-31 Definitions.

As used in this Article:

Application shall mean a sketch or plot plan of the premises containing sufficient data, which, together with a physical inspection of the premises, would tend to establish compliance with the requirements of this Article VI.

Coops shall mean a structure housing any Fowl.

Excess Fowl shall mean all Fowl in excess of ten (10).

Fowl shall mean a bird of any kind, including but not limited to galliformes (chickens, turkeys, quail, pheasant, peafowl and guinea fowl), anseriformes (ducks, geese, and swans) and columbidae (pigeons and doves), but excluding tropical birds generally confined to small indoor cages, such as parrots, parakeets, finches, canaries and the like. Fowl shall not include roosters or cocks.

Person shall mean any individual or entity.

§ 62-32 License Fee Requirements.

- A. Within thirty (30) days of the effective date of this ordinance, no person shall keep or maintain any live Fowl, as defined herein, within the Borough nor permit the same to be kept or maintained within the Borough, without first having applied for and having obtained from the Department of Health a license for that purpose, as hereinafter prescribed. The license shall be renewed during the month of June before June 30 of each year. Any license**

not renewed prior to June 30 of each year shall be forfeited and no applications for renewal after that date will be considered.

- B. A license shall be issued for Fowl upon making application therefor, compliance with the requirements of this Article VI, and payment of fifteen (\$15.00) dollars for up to a maximum of ten (10) Fowl. Except as otherwise provided in paragraph D of this § 62-32, no person shall keep or maintain more than ten (10) Fowl ("Excess Fowl").**
- B. No license shall be issued to any person seeking to license Fowl entering from outside the State of New Jersey unless and until a Certificate of Veterinary Inspection, certified by an accredited veterinarian who is licensed in the state from which the Fowl originate, has been submitted to the Department of Health. The Certificate of Inspection shall certify that all Fowl to be licensed hereunder are free from evidence of, and have not been exposed to, the following diseases determined by the New Jersey Department of Agriculture to be dangerous and transmissible: laryngotracheitis, duck viral enteritis, Newcastle disease, plaque-like avian influenza, fowl cholera, fowl or bird pox, chlamydiosis, tuberculosis, mycoplasmosis, pullorum disease and fowl typhoid, or such other dangerous diseases as may be identified in the future. In addition, any Fowl or eggs for hatching imported into the State of New Jersey shall be negative for avian influenza and pullorum, in accordance with N.J.A.C. 2:3-7.2 and N.J.A.C. 2:3-7.4 as may be amended or supplemented from time to time.**
- C. No later than December 31, 2022, all Excess Fowl shall be removed from the premises and rehomed. While on the premises, Excess Fowl shall be maintained in the same manner required by this Article VI for Fowl that are subject to licensing hereunder.**
- D. Fowl shall be kept in a manner that will not result in offensive odors and will not be dangerous or injurious to the health of the Fowl or the public. At any time, and as a condition of license renewal or continuation, the Department of Health may direct any person keeping Fowl to obtain proof, at such person's expense, of "Monitored flock" status, defined in N.J.A.C. 2:9-2.1 as may be amended or supplemented from time to time.**
- E. The Department of Health may, after notice and public hearing if requested by an applicant, deny granting a license if the Health Officer determines that the applicant does not have a proper and sanitary place for keeping Fowl, or if the Health Officer finds that the keeping of Fowl by the applicant**

will present a health hazard, or if the applicant otherwise fails to comply with the requirements of this Article VI.

§ 62-33 Prohibited Conditions.

- A. It shall be unlawful for any person to keep any rooster, except that any person keeping or maintaining a rooster(s) prior to the effective date of this ordinance may continue to keep and maintain a maximum of two (2) such rooster(s) (“Grandfathered Roosters”), subject to the following:**
- (i) Within thirty (30) days of the effective date of this Ordinance, any person maintaining a Grandfathered Rooster shall have obtained from the Department of Health a Special Privilege License upon payment of fifteen (\$15.00) for each Grandfathered Rooster. No license shall be issued to any person for more than two (2) Grandfathered Roosters.**
- B. Any rooster not licensed as a Grandfathered Rooster, in accordance with paragraph A of this § 62-33, shall be removed from the premises and rehomed no later than December 31, 2022.**
- C. All roosters, whether or not Grandfathered, shall be placed indoors between the hours of 9PM to 9AM daily.**
- D. Any roosters that die, whether or not Grandfathered, shall not be replaced, and any Special Privilege License covering a Grandfathered Rooster that dies shall expire upon the death thereof.**
- E. It shall be unlawful for any person to keep or maintain any screaming or chattering Fowl or crowing rooster in violation of the Borough’s Noise Code, specifically, § 150-9(g), “Animals.”**
- F. It shall be unlawful for any person to keep pigeons in the Borough, for any purpose whatsoever.**

§ 62-34 Inspection of Premises Keeping Fowl and Roosters.

- A. At least once per year, or upon any complaint, the Health Officer or his/her designee shall inspect all premises licensed under the provisions of this Article or any premises where Fowl or roosters are kept or maintained. The owner or person in control of the premises shall, upon request of the Health Officer, permit access to the premises where any Fowl or roosters are kept and maintained.**

- B. If the Health Officer discovers a violation(s) of any provision hereof during any inspection, the Health Officer may, in his/her reasonable discretion, issue a summons and/or immediately suspend any license issued under this Article, or provide a reasonable period within which the person shall be required to remedy the violation(s). The Health Officer shall conduct a second inspection to determine whether the violation(s) have been remedied and to otherwise determine compliance with the requirements of this Article. If the violation(s) has not been remedied when the Health Officer conducts such second inspection, the Health Officer shall immediately suspend any license issued under this Article VI.**
- C. An original of the Health Officer's inspection report shall be filed in the offices of the Health Department and a copy shall be maintained by the owner or person in control of the premises inspected.**

§ 62-35 Coops.

- A. All Fowl shall be confined in coops and enclosed runs at dusk for the duration of the night, and when owner(s) or person in control of the premises where Fowl are kept and maintained are not present on the premises.**
- B. All coops shall be provided with enclosed runs that afford 2.0 square feet of non-impervious open space per Fowl.**
- C. All coops shall contain a sufficient number of roosts to provide roosting space for each individual specimen of Fowl kept in coops, which shall be adequately lighted and ventilated and shall contain a sufficient number of properly placed drop boards beneath each roost to catch all droppings excreted by the Fowl while on the roost.**
- D. All coops and runs shall be kept clean at all times and free of rodent infestation, and shall be subject to periodic inspections by the Health Officer or his/her designee, as set forth in § 62-34 of this Article VI.**
- E. Coops and runs shall be disinfected or otherwise treated when so directed by the Health Officer or his/her designee.**
- F. All food for immediate consumption by Fowl or roosters shall be placed in suitable feeding troughs or similar containers, and all food not otherwise intended for immediate consumption shall be stored in rodent-proof containers at all times.**
- G. Manure shall be removed daily from all coops and runs and disposed of in a manner approved by the Health Officer or his/her designee. No manure shall be stored in any building.**
- H. No coops shall be located:**

- i. within twelve (12') feet of any dwelling unit including, but not limited to windows, doors, air conditioning or air intake systems, or
- ii. within twelve (12') feet of any place where people congregate, or
- iii. within two hundred (200') feet of any food establishment, or
- iv. within ten (10') feet of any property line.

§ 62-36 Control of Fowl.

- A. Fowl are permitted to roam free in the yard during daylight hours only, under the supervision of the licensee, provided that the Fowl's wings have been clipped to prevent flying.
- B. The licensee shall notify the Health Officer or his/her designee when one (1) or more Fowl dies, and shall apply to add any replacement Fowl, identified by a bill of sale, to the licensed premises.
- C. The licensee may be required to submit a diseased or deceased Fowl for testing during times of disease outbreak as ordered by the Health Officer.

§ 62-37 Revocation of License.

- A. The Department of Health may, at any time, revoke any license if it finds, after reasonable notice and public hearing, that a public health hazard has arisen or that there is a repeated failure by licensee to comply with any part of this Article VI.
- B. Should the Department of Health find, determine or have reason to believe that an applicant should be denied a license, or, in any case where a license has been issued, should the Board find, determine or have reason to believe that the license should be revoked, then in such event the Department of Health shall so notify the applicant or licensee, as the case may be, in writing, either by personal delivery of a copy of the notice or by mailing a copy by certified mail, return receipt requested. The applicant or licensee shall have ten (10) days from receipt of the notice if delivered personally, or from the date the notice was postmarked if mailed, in which to notify the Department of Health in writing that the applicant or licensee desires a hearing on the matter.
- C. Should the applicant or licensee not request a hearing as provided in paragraph B of this § 62-37, or should the Department of Health, upon conclusion of a hearing held upon such request, determine that a license should not be issued or that a license already issued should be revoked, then and in that event the Department of Health shall notify the applicant or licensee or such denial or revocation, as the case may be, by personal

service or by mailing a copy of the Department of Health's denial or revocation by certified mail, return receipt requested. Within ten (10) days of receipt by the applicant or licensee, as the case may be, of such written determination, the applicant or licensee shall remove all Fowl from the premises.

§ 62-38 Keeping of Fowl For Sale; Not Authorized.

Nothing herein shall be deemed to authorize the keeping of fowl for sale or for preparation for sale.

§ 62-39 Violations and Penalties.

- A. Any person who violates or neglects to comply with any provisions of this Article VI or with any notice issued pursuant thereto shall, upon conviction in the Municipal Court of the Borough of Fair Lawn, be liable to the penalty stated in Chapter 1, General Provisions, Article III, "General Penalty Provisions.
- B. Each day that a violation of this Article VI exists shall be deemed a separate violation for which a penalty may be imposed.

SECTION 2: Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 3. All other ordinances, codes or parts thereof that are in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Borough ordinances, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Borough's ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4: This Ordinance shall take effect upon passage and publication as required by law

Introduced: July 12, 2022

	Motion	Second	Aye	Nay	Abstain	Absent
Reinitz			X			
Rottenstrich	X		X			
Krause				X		
Cutrone		X	X			
Peluso			X			

Adopted: August 9, 2022

	Motion	Second	Aye	Nay	Abstain	Absent
Reinitz				X		
Rottenstrich	X		X			
Krause				X		
Cutrone		X	X			
Peluso			X			

Attest:



Nicholas Magarelli, RMC
Municipal Clerk

Approved:



Kurt Peluso
Mayor

I, Nicholas J. Magarelli, Municipal Clerk of the Borough of Fair Lawn, do hereby certify that the within ordinance is a true and exact copy, duly adopted by the Borough Council at their meeting of August 9, 2022.



Nicholas J. Magarelli, RMC
Municipal Clerk

Date: 8/10/2022

