

ORDINANCE NO. 2025-1528

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING RESIDENTS KEEPING BACKYARD CHICKENS,
PURSUANT TO AN AMENDMENT TO CHAPTER 8, “ANIMAL CONTROL”**

WHEREAS, the Borough Council of Tinton Falls previously authorized a pilot program to allow the keeping of backyard chickens, which was codified in the Borough Code as Chapter 8, Section 8, “Backyard Chickens”; and

WHEREAS, the pilot program expired at the end of 2023, but successfully saw the opening and proper maintenance of several backyard chicken coops; and

WHEREAS, the State of New Jersey encourages municipalities to promote sustainable programs; and

WHEREAS, the keeping of "Backyard Chickens" is a means by which sustainability can be achieved; and

WHEREAS, given the success of the Backyard Chickens pilot program in Tinton Falls, the Borough Council desires to make Section 8-7 a permanent part of the Borough Code, in order to authorize and regulate the establishment and oversight of backyard chicken coops in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that:

SECTION 1. Chapter 8 of the Borough Code of Tinton Falls shall be amended in the manner indicated below:

§ 8-7. BACKYARD CHICKENS IN TINTON FALLS

§ 8-7.1. Rules and Regulations.

This Ordinance establishes rules and regulations to authorize the residents of Tinton Falls to keep backyard chickens, subject to the terms and conditions set forth herein.

§ 8-7.2. Eligibility; Restrictions.

a. The following shall be eligible to participate in this program: residents of single-family homes with a minimum lot size of one-half acre.

b. There shall be a limit of four (4) chickens per license unless the property and use is in accordance with Section 40-37B1 of this Code. Residents that have a lot size over 1 acre will be permitted to maintain up to (8) chickens per license. Roosters are prohibited.

§ 8-7.3. License Required; Fee; Completion of Class Required.

a. No person shall keep chickens on their property without first obtaining a license from the Municipal Clerk's Office and paying the required fee. No license shall be issued unless the applicant has demonstrated compliance with all criteria set forth in the herein. Applicants who already keep chickens shall be given priority in the licensing process.

b. A non-refundable annual license fee of \$10.00 shall be paid for each license issued for participation annually. No more than one license may be issued per household.

c. Any applicant wishing to keep chickens shall be required to complete a class on the basics of raising backyard chickens. Proof of attendance must be presented with the completed application.

§ 8-7.4. Requirements for Coops and Runs.

Participant shall comply with the following regulations and conditions for keeping and housing of chickens:

a. The coop shall be suitable in size to house the number of chickens subject to this program and shall provide at least four-square feet per chicken. The coop shall have four walls, a floor, a roof, be moisture-proof and well-ventilated with windows to admit sunlight. The maximum height of the coop shall not exceed seven feet. The coop must be kept clean. If water or electric is run to the coop, then permits from the building department must be obtained.

b. A run must be attached to the coop and must also be at least 20 feet from the habitable portion of the neighboring residential dwelling. The run size must be at least eight square feet for each chicken.

c. The coop and run shall be located in the backyard and shall be located no closer than 20 feet from the habitable portion of the neighboring residential dwelling. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distance. A visual buffer shall be installed as needed.

d. The coop and enclosed run must be made predator-proof and must include construction cloth.

e. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night. Chicken feed must be provided only inside the run, not outside and not in the coop.

f. The yard in the area where the coop is located shall be clean and free from odors.

g. Chickens may temporarily “free range” outside of the coop in a suitably contained area provided that an adult, age 18 or older, is present in the yard the entire time. The property must be completely fenced where chickens are allowed to be “free range.”

h. All chickens must be kept in the coop overnight.

i. Waste will be handled by the participant to prevent offensive odors and disposed in an environmentally-friendly manner.

j. There shall be no selling of eggs, unless the property and use is in accordance with Section 37B1 of this Code.

k. There shall be no slaughtering of chickens in the Borough.

§ 8-7.5. Appointment of “Chicken Advisory Volunteer”; Complaints.

a. A Chicken Advisory Volunteer shall be appointed by the Borough Council and shall serve for a term of two (2) years. The Borough Council shall also appoint a member of the Council as the Council Liaison. The Volunteer shall submit a quarterly report to the Council Liaison at least once per quarter. These reports shall include any activities of the Volunteer, such as new coops, as well as any complaints and resolutions from residents concerning backyard chickens. The Volunteer shall be required to complete a course on the basics of raising backyard chickens, within three (3) months of the initial appointment.

b. If a complaint is received by the Borough, it will be forwarded to the Chicken Advisory Volunteer and the MCSPCA . If either finds a violation of the regulations set forth in this Section, solutions will be discussed with the offending resident to allow them to meet the requirements of the program as soon as possible. However, if after 14 days the violation has not been remedied, the Chicken Advisory Volunteer will notify the Council liaison so that code enforcement proceedings can be implemented. Complaints involving rodents or animal mistreatment shall be addressed immediately.

c. The Chicken Advisory Volunteer shall be authorized to conduct a site visit to any property with chickens under this Chapter with at least 48 hours’ notice.

d. The Chicken Advisory Volunteer will assist anyone who no longer desires to keep backyard chickens with the relocation of their chickens.

e. The Chicken Advisory Volunteer shall develop written procedures and practices for the raising of chicks by licensees. No licensee shall raise chicks until after such procedures and practices are issued. Any chick raising shall be in compliance with such procedures and practices.

§ 8-7.6. Right of Inspection.

- a. The Zoning Officer and/or Code Inspector shall have the right to periodically inspect the premises to ascertain compliance with these regulations.
- b. Chickens shall be kept and maintained at all times in a humane manner and in accordance with good agricultural practices. The Animal Control Officer/Cruelty Investigators shall have all powers under N.J.S.A. 4:19-15.16c to ensure the chickens are maintained in a humane way and under humane conditions. Any failure to comply with the Animal Control Officer/Cruelty Officer shall be grounds for license revocation.
- c. The Freehold Board of Health, and/or any similar body the Borough contracts with for public health services, shall have the power to investigate any claims under their jurisdiction related to the keeping and maintenance of chickens. Any failure to comply with such body shall be grounds for revocation of license permitting the keeping and maintenance of chickens.

§ 8-7.7. Revocation of License.

Failure to comply with the conditions and regulations set forth in this Ordinance shall result in revocation of the license and the removal and relocation of chickens. The applicant shall be notified by certified mail of the license revocation. All chickens and coops shall be removed within one week after receipt of such notice of revocation.

§ 8-7.8. Violations and Penalties.

The owner or tenant shall, for each and every violation, be liable to the penalty stated in Chapter 1, Section 1-5. Each and every day that such violation continues shall be considered a separate and specific violation of this section and not as a continuing offense.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Introduced:

Adopted:

DR. LAWRENCE DOBRIN
COUNCIL PRESIDENT

RISA CLAY
MAYOR

ATTEST:

MICHELLE HUTCHINSON
BOROUGH CLERK

APPROVED AS TO FORM:

KEVIN N. STARKEY, ESQ.
DIRECTOR OF LAW