**ORDINANCE 23-2013**

**OF THE PLANNING BOARD**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING THE CODE OF THE planning board of the BOROUGH OF BLOOMINGDALE, Article V, “Regulations Governing Certain Uses,” Section 92-21, “Residential and Agricultural Uses; Hotels and Motels,” Section 92-21B, “Agricultural Uses.”**

**BE IT ORDAINED**, by the Planning Board of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**Section 1**. Article V, “Regulations Governing Certain Uses,” Section 92-21, “Residential and Agricultural Uses,” Section 92-21B, “Agricultural Uses” of the Code of the Planning Board of the Borough of Bloomingdale is hereby amended to add paragraph (6) which shall read as follows:

**Section 92-21B. Agricultural Uses.**

(5) No slaughtering of livestock shall be permitted.

(6) Chickens

a. License required. No person shall keep or maintain any live chickens for any purpose, without first having obtained an annual license from the Board of Health.

b. Coops and runs.

1. All live chickens shall be confined in coops or runs.

2. All coops and runs shall be located outside of and completely apart from any building used wholly or in part for dwelling purposes.

3. All coops or runs shall be constructed only in rear yards at least ten (10) feet from property lines.

4. A sufficient number of roosts to provide roosting space for each individual chicken kept in the coop and a sufficient number of properly placed drop boards beneath each roost, to catch all droppings excreted by the chicken while on the roost, shall be provided.

5. All coops and runs and the entire surroundings of all such places shall be kept clean at all times and shall be subject to periodic inspection by the Health Officer of the Borough.

6. Coops and runs shall be disinfected or otherwise treated, when so directed by the Board of Health.

7. The floors of all coops shall be kept clean and dry.

8. At least once a week, all of the droppings shall be removed from each coop and removed from the premises or otherwise disposed of in a manner approved by the Board of Health.

9. All food for immediate consumption shall be placed in suitable feeding troughs or similar containers, and all other food shall be stored in animal-proof containers at all times.

10. Coops shall not exceed twenty (20) square feet in area and a maximum height of six (6) feet (except that in the R-130 zone coops shall not exceed one hundred (100) square feet in area and a maximum height of six (6) feet), measured from grade to ridge, and not less than four (4) square feet per chicken. Runs shall not exceed ten (10) square feet per chicken.

11. No chicken food shall be scattered about any premises.

c. Noise. No person shall keep any screeching, screaming or chattering chicken, or chicken which emits frequent or long-continuous loud and raucous noises so as to disturb the comfort or repose of any person in the vicinity.

d. Flying or running at large. No person shall allow any chicken to fly or run at large. Such action is declared to be a nuisance and dangerous to the public health and safety.

e. Prohibited Uses

1. No person shall engage in the business of selling, preparing for sale or the slaughtering of chickens.

2. No roosters will be kept on premises, except in the R-130 zone in which one (1) rooster will be permitted.

3. Number of permitted chickens in residential zones. Chickens are not permitted in zones other than as designated in this section. See table below:

**Zone Number of chickens**

R-10 4

R-20 4

R-40 4

R-130 20

4. Keeping of chickens in any other zone than above is prohibited.

f. Enforcement. All provisions of this section shall be enforced by the Board of Health. Fees pursuant to this section shall be regulated by the Governing Body of the Borough of Bloomingdale.

**SECTION 2**. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4**. This law shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE**

is hereby given that the foregoing Ordinance #23-2013 introduced and passed upon First Reading by title at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, held on June 11, 2013, and said Ordinance shall be considered for Final Passage at an Official Meeting of the Governing Body to be held in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, New Jersey on July 23, 2013, at 7:30 **P.M.** or as soon thereafter as said matter can be considered, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. A copy of the Ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Building of the Borough of Bloomingdale. During the week prior and up to the time of the public hearing, copies of said Ordinance will be available to the members of the general public who request the same, in the Municipal Clerk's Office between the hours of 8:00 **A.M.** and 4:00 **P.M.**