

TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY

ORDINANCE NO. 6 -2014

**AN ORDINANCE REGARDING KEEPING OF ANIMALS AND LIVESTOCK AND
LAND USE ACTIVITIES INVOLVING ANIMALS**

BE IT ORDAINED by the Township Committee of the Township of Downe, County of Cumberland and State of New Jersey as follows:

WHEREAS, the keeping of animals and/or livestock and the use and operation of pig, livestock or poultry farms, apiaries, pet or pet grooming shops, kennels and/or animal hospitals shall be in accordance with the following conditions:

A. For purposes of this Ordinance, animals and livestock shall be separated into the following classifications:

1. Class I Animals: Horses, cows, cattle, ponies, donkeys and other animals belonging to the biological order of perissodactyle, and Llamas, alpacas or similar South American pack animals.
2. Class II Animals: Miniature horses, miniature donkeys, pigs, goats, sheep, ostriches, emus or similar large birds.
3. Class III Animals: Any feathered vertebrate animal, including but not limited to chickens, geese, ducks, turkeys, hens or pheasants.
4. Class IV Animals: Common household pets such as dogs, cats, pet birds such as parakeets, parrots, songbirds or exotic birds, guinea pigs, or other animals kept as pets and reasonably expected to be sold in a shopping center type pet store.
5. Class V Animals: Fox, mink, or animals bred for their fur including rabbits (except in the case of one (1) or two (2) being kept as domestic pets), monkeys, snakes or other wild or undomesticated animals which by State or Federal law require a license to be kept in captivity.

B. The keeping of animals and/or livestock shall be permitted as per this section of District Regulations provided the following conditions are met:

1. No more than three (3) Class I animals shall be kept on a lot of at least two (2) acres in size provided that each said animal is kept enclosed in a pen or corral containing no less than five thousand (5,000) square feet in area per animal (15,000 square feet

for three (3) animals). Each additional Class I animal shall require an additional one-half (½) acre in lot area and an additional five thousand (5,000) square feet of enclosed pen or corral space area, except in the case of cattle, wherein the lot size shall be no less than three (3) acres, providing at least a five thousand (5,000) square foot corral or enclosed space per cow or cattle.

Within a barn or appropriate structure, at a minimum, box stalls of one hundred (100) square feet and/or straight stalls of five by eight (5 x 8) feet per animal within a barn or stable shall be provided. No animals shall be housed less than fifty (50) feet or manure stored outdoors closer than fifty (50) feet to any adjacent street or property line. Manure shall be removed at regular intervals. See Section E "Sanitary Requirements" set forth below.

2. In any residential district on a lot of at least one and one-half (1 ½) acre in size, not more than two (2) Class II animals (except pigs) or twelve (12) Class III animals may be kept. The keeping of pigs shall be prohibited in all residential, business or industrial zoning districts. All Class II animals shall be kept in an enclosed pen or corral no less than five thousand (5,000) square feet, adding an additional one thousand (1,000) square feet for each animal within the enclosure providing safe and appropriate animal shelter. Class III animals shall be kept in an enclosed pen not less than:

100 square feet for six (6) chickens, 200 square feet for twelve (12) chickens, etc.

100 square feet for three (3) turkeys, geese, ducks, pheasants, 200 square feet for twelve (12) of the same, etc.

An enclosure shall be provided offering safe and appropriate animal shelter. No animal shall be housed or manure stored outdoors closer than one hundred (100) feet to any adjacent street or property line. Manure shall be removed at regular intervals. See Section E "Sanitary Requirements" set forth below.

3. The keeping of Class IV animals shall be permitted in all zoning districts provided that the breeding and sale of such animals may be determined a commercial use by the Zoning Officer based upon the number of animals involved within a reasonable time period and the use of the property and structures thereon for such activity. When the Zoning Officer determines it is a commercial activity, the property owner shall be subject to the requirements of all applicable Township Ordinances for such commercial activity, including site plan review.

4. All fencing in connection with the enclosure of animals shall be installed no less than one (1) foot (three (3) feet is recommended for maintenance) from vacant adjacent property lines and at least fifty (50) feet from the nearest dwelling excluding the dwelling of the animals' owner(s).

a. Fence Construction: All fences shall be constructed in accordance with the following standards:

b. The following fences and fence materials are specifically prohibited: razor-wire fences, sharp pointed fences, canvas, and cloth fences. Commercial and industrial uses may have fences topped with a protective wire.

c. All fences shall be constructed in a manner which shall not be dangerous to persons or animals.

d. All fences shall be permanent construction and shall withstand a wind load of fifteen (15) pounds per square foot.

e. All fences shall be constructed or installed with stringers facing inwards.

f. Whenever an electrified fence is to be installed adjacent to a residentially zoned property with a dwelling upon it, said fence shall be properly posted as such and have a non-electrified fence installed between it and the property line for the entire distance of said property line so as to prevent children or animals from accidentally coming into contact with the electrified fencing.

5. The above referenced limitations on various classes of animals shall be applicable to the Agriculture Zoning District or any bona fide farm as defined in this Ordinance except that the keeping, breeding or sale of all Class V animals shall be prohibited in all Zone Districts within the Township of Downe, provided however, that if best management practices have been promulgated by the N. J. Department of Agriculture for any Class V animals, any person proposing to undertake such activity shall be required to seek a Use Variance, including site plan review, to assure that said best management practices are adhered to and public health, safety and welfare are adequately provided for in connection with such activity.

6. An apiary shall be permitted on any lot of at least two (2) acres in size, provided that hives or housing for the bees shall be located no less than one hundred (100) feet from the nearest dwelling, except the hives' owner(s). All hives or bee housing shall be located at least twenty-five (25) feet from any property line unless the adjoining property is not vacant land than fifty (50) feet from the property line of adjoining property is required.

C. Kennels, small animal grooming shops, animal hospitals or any place wherein animals may be boarded for a fee are permitted as provided in the Schedule of District Regulations on parcels of at least five (5) acres in size unless such use is contained in a fully enclosed, sound-proof building. In which case, the minimum lot area shall be reduced to two (2) acres allowed. Where permitted, the following conditions shall apply:

1. Animals runs and any other outdoor animal areas shall be no less than fifty (50) feet from adjacent property lines.

2. Off-street parking facilities shall be provided on the premises in such quantity as shall be determined by the Planning Board and Downe Township Zoning Ordinance.

3. Adequate screening and/or buffering as per Downe Township Zoning Ordinance shall be provided to reasonably protect adjoining properties.

4. Any such use shall be reasonably free of noise, odor or other objectionable nuisances to adjoining or nearby properties; and, in granting approval, conditions may be imposed upon an applicant to eliminate or reduce any such nuisances.

D. Pet shops, riding academies or establishments and animal obedience or training schools shall be considered commercial uses and are not covered by this section provided, however, that the Planning Board may utilize conditions contained herein when reviewing the site plan of any such users. Additionally, for purposes of preventing nuisances for adjoining properties, such facilities may be required to demonstrate that there are sufficient lands or facilities provided as noted in this section to prevent nuisances such as noise, odor or damage from the likelihood of animal escape.

E. The premises on which dogs, cats, livestock, birds or other animals are maintained shall at all times conform to the following requirements:

1. Dogs, cats, livestock, birds and other animals shall at all times be confined to such premises or portion thereof as will preclude odors and sound emanating from such animals or birds, or engendered by their care, feeding or other activity connected with such animals or birds from interfering with the ordinary and reasonable use, occupation and enjoyment of property on neighboring premises.

2. All sheds, coops, pens, runways, stalls or other enclosures or facilities related to animals or birds shall be located or maintained at least fifty (50) feet from the main building and/or from any lot line. Dog boxes shall be located or maintained at least twenty-five (25) feet from any lot line.

3. Buildings, food storage bins, appliances, equipment, feeding areas and other facilities on the premises shall be constructed with rat proofing materials and maintained in such fashion as to permit proper cleansing and shall be cleaned, deodorized and disinfected regularly.

4. A clean water supply shall be available and adequate for proper sanitation.

5. Water or other liquid to which mosquitoes may have access shall be properly drained to prevent their breeding.

6. Disposition shall be made to animal wastes, excrement, garbage, refuse or vegetable matter deposited upon the premises in such a manner as to prevent insect breeding or rodent infestation or pollution of the air, ground or body of water or the creation of any other unhealthy or unsanitary condition. Manure and other related waste shall be removed at regular intervals.

7. All necessary measures shall be employed to ensure that rodents or insects hazardous to public health shall be precluded from infesting the premises.

8. Adequate measure shall be taken to prevent the animals or birds maintained from escaping or at any time roaming at large.

9. Adequate facilities shall be available to maintain the premises in a sanitary condition at all times.

10. No person shall see or offer to sell, use or expose any animal or bird having contagious or infectious disease dangerous to the health or life of human beings or animals.

11. Any cruelty and negligence observed of any animal will not be tolerated and will be reported to the proper authorities for appropriate action.

12. The New Jersey Department of Agriculture adopted regulations in March 2009 that require all livestock owners and farm to responsibly manage the manure generated on their properties including those with horses, dairy cows, cattle, swine, goats, sheep, poultry and all other domesticated species defined as livestock. All New Jersey livestock owners are required to be in compliance with current regulations. These regulations are strictly enforced by the State. For more information go to <http://www.nj.gov/agriculture/divisions/anr/agriassist/animalwaste>.

F. The provisions of this section are in addition to and separate from the requirements of Ordinance 1.02 entitled "An Ordinance Requiring Confinement of Domestic and Farm Animals" as adopted on December 20, 2000.

G. Any violation to the provisions of this section shall be enforced with the appropriate penalty assigned as described in Section 1106 "Violations and Penalties" of the Downe Township Zoning Ordinance.

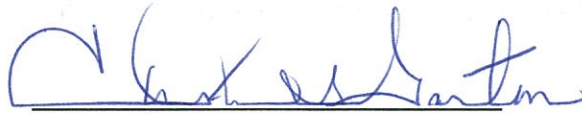
Section One. Repealer. All former Ordinances of the Township of Downe which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

Section Two. Severability. If any part or parts of this Ordinance are held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Three. This Ordinance shall take effect after final approval and publication as required by law.

NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed on first reading at a Regular Meeting of the Township Committee of the Township of Downe in the County of Cumberland on August 4, 2014. The public hearing and second reading for final passage will be held by said Committee at a Regular Meeting on Monday, September 8, 2014 at 7:00 p.m. in the Meeting Room of the Municipal Complex, 288 Main Street, Newport, NJ 08345 at which time any interested person will be given an opportunity to be heard.



Constance S. Garton, Clerk