

**Borough of Matawan**  
**201 Broad Street**  
**Matawan New Jersey 07747**  
**(732) 566-3898**  
[www.matawanborough.com](http://www.matawanborough.com)



## **Public Notice of Pending Ordinance 24-23**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on September 17, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on October 15, 2024 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at [www.matawanborough.com](http://www.matawanborough.com).

Karen Wynne, RMC  
Municipal Clerk

### **ORDINANCE 24-23**

#### **AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN**

#### **CHAPTER 34 – DEVELOPMENT REGULATIONS CHAPTER BH2 – PUBLIC HEALTH NUISANCES CHAPTER BH7 – ANIMALS**

**WHEREAS**, the Borough of Matawan (the "Borough") seeks to protect the health, safety and general welfare of the residents of the Borough; and

**WHEREAS**, many residents have requested that the Borough's Mayor and Council reconsider the Borough's regulations prohibiting the keeping of chickens on residential lots; and

**WHEREAS**, the Borough seeks to balance the ability of homeowners to keep chickens upon their properties with the rights of their neighbors to likewise use and enjoy their properties.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, as follows:

SECTION 1: Chapter 34: “Development Regulations” of the Borough’s Revised General Ordinances is hereby supplemented with *new* Article VIII: “Chickens” as follows:

**CHAPTER 34: DEVELOPMENT REGULATIONS**  
**ARTICLE VIII: CHICKENS**

**34-113 KEEPING OF CHICKENS ON RESIDENTIAL LOTS.**

Chickens may be kept and maintained on residential lots as an accessory use, provided a zoning permit is first obtained from the Zoning Officer, and subject to the following requirements:

**34-113.1 Number of Chickens.**

The number of chickens kept shall be determined by lot size, subject to the chart below, but in no case more than ten (10) chickens:

<b>Number of Female Chickens</b>	<b>Minimum Lot size (square feet)</b>
2	2,000
3	3,000
4	4,000
5	5,000
6	6,000
7	7,000
8	8,000
9	9,000
10	10,000+

**34-113.2 Chicken-Keeping Regulations.**

- a. No person shall keep a rooster or a male chicken on any residential lot.
- b. No person who rents the property where chickens are proposed to be kept or maintained may obtain a zoning permit without first receiving written permission from an owner of the property. Such written permission shall be provided to the Zoning Officer.
- c. On properties where the owner is keeping the chickens, the zoning permit shall terminate in the case of change in ownership. On properties that are rented, and the tenants are keeping the chickens, the zoning permit shall terminate on change of tenant.
- d. Applicants for a zoning permit for the keeping of chickens shall present as part of the zoning permit application proof of an education class on the keeping of poultry. The only classes acceptable shall be those attended in person. Online classes will not qualify.
- e. Having received a zoning permit, a permit license shall be obtained from the Zoning and/or Code Enforcement Officer annually at a fee of \$25.00, regardless of the amount of chickens maintained. The Zoning and/or Code Enforcement Officer shall have the authority to determine the paperwork, filing deadlines and procedures for this licensing.

- f. No person shall keep or maintain chickens for consumption or sale. Chickens may not be slaughtered within the limits of the Borough.
- g. Chickens shall be kept in a roofed shelter or coop, which shall provide a minimum of three (3) square-feet per adult bird and shall also include a fully enclosed fenced chicken run that provides a minimum of five (5) square-feet per adult bird. The run shall be attached to the coop such that chickens are at no time outside of both the coop and run. The shelter/coop shall be counted as part of the accessory structure percentage which shall, in total, not exceed 1% of the subject property.
- h. Chickens are not permitted to roam freely beyond the limits of the shelter/coop or chicken run.
- i. The chicken shelter shall be bird-, rat- and predator-proof, and designed to be visually compatible with the residential area.
- j. Chain-link, metal wire or mesh fence shall fully enclose the chicken run and be securely constructed with fence or netting overhead to keep the chickens separated from other animals. Chicken run fencing shall not exceed a height of six (6) feet.
- k. A chicken shelter/coop and chicken run are only permitted in the rear yard and shall comply with the accessory structure setbacks for the zone, but in no case be less than seven (7) feet from the adjoining property line.
- l. In no case shall a chicken shelter/coop or chicken run be located closer than thirty (30) feet to any dwelling on an adjoining lot.
- m. The chicken shelter/coop shall comply with applicable impervious and building coverage standards for the zone.
- n. The fenced chicken run shall be well drained so that there is no accumulation of moisture. The floors and walls of the chicken shelter or coop shall be kept in a clean and sanitary condition, with all droppings collected at least weekly. Droppings shall be kept in a covered and secured metal container until disposed of or transported off-premises.
- o. All chicken feed shall be kept in a covered and secured metal container off of the ground and inside the coop. All feedings shall occur inside of the coop and not in the chicken run.
- p. Permits shall be obtained for the chicken shelter/coop: construction, electric, and plumbing, as applicable. Electric lines shall be installed underground. Electrical connections to a coop must be done by permit and be permanent in nature.
- q. If, for any reason, an applicant no longer keeps and raises chickens, they shall be removed from the property in a humane manner.
- r. Any violation of these standards may be grounds for the revocation of the zoning permit permitting the keeping and maintenance of chickens.
- s. The Zoning Officer and/or Code Enforcement Officer shall have the right to periodically inspect the premises to ascertain compliance with these regulations.

- t. 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 revocation of the zoning permit permitting the keeping and maintenance of chickens.
- u. The Monmouth County 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 the zoning permit permitting the keeping and maintenance of chickens.
- v. If the zoning permit permitting the keeping and maintenance of chickens is revoked, the chicken shelter/coop and chicken run shall be removed from the premises within thirty (30) days of revocation of the permit.

**SECTION 2:** Chapter BH2: “Public Health Nuisances” of the Borough’s Revised General Ordinances is hereby amended as follows (~~stricken~~ text indicates deletions, underlined text indicates additions):

**CHAPTER BH1: PUBLIC HEALTH NUISANCES  
ARTICLE II: PROHIBITED CONDUCT**

**BH2-12 CERTAIN ANIMALS PROHIBITED.**

It shall be unlawful to maintain or keep pigs, goats, cows, horses, ponies, mink, chinchillas, sheep or other livestock, or ~~chickens~~, ducks, geese, turkeys, pigeons or other poultry within the limits of the Borough except as otherwise ay be permitted by Borough Code Section 34-113.

**SECTION 3:** Chapter BH7: “Animals” of the Borough’s Revised General Ordinances is hereby amended as follows (~~stricken~~ text indicates deletions, underlined text indicates additions):

**CHAPTER BH7: ANIMALS**

**BH7-2 ANIMALS PROHIBITED.**

It shall be unlawful for any person to own, harbor, keep or maintain any pigeons, sheep, fowl, horse, cattle, goat, swine, poultry or other domestic, farm or wild animal within the limits of the Borough of Matawan except in conformity to the rules and regulations hereinafter established, or except as otherwise may be permitted by Borough Code Sections 5-13, and 34-113. The following traditional house pets, including but not limited to cats, dogs, caged birds, ferrets, guinea pigs, and hamsters, are permitted within the Borough.

**BE IT FURTHER ORDAINED,** any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

**BE IT FURTHER ORDAINED**, if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**BE IT FURTHER ORDAINED** that, after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Matawan for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough's Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.