

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: FEBRUARY 22, 2016 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

| | | |
|-------|-------|--------------------------------|
| _____ | _____ | Mayor Popko |
| _____ | _____ | Deputy Mayor Benowitz |
| _____ | _____ | Committeeman Cann |
| _____ | _____ | Committeeman Carson |
| _____ | _____ | Committeeman Holliday |
| _____ | _____ | Township Clerk Eckert |
| _____ | _____ | Attorney Fahey |
| _____ | _____ | Chief Financial Officer Kocian |
| _____ | _____ | Public Works Director Buhrer |
| _____ | _____ | Police Chief Nucera |

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 4, 2016, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

4. The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.
5. Resolution to meet in closed session:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing Affordable Housing Litigation; Professional Services Agreement Contract Matter: Special Counsel for Environmental Matters; Barbara Woolley-Dillon v. Township of Bordentown and Bordenø Crossing Potential Litigation.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

6. Presentation by Representatives of the Bordentown Waterfront Community Project relating to Phase 2 referral to Planning Board.

7. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2016-053-8 through #2016-053-16.
8. Resolution #2016-053-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
9. Resolution #2016-053-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.
10. Resolution #2016-053-10 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
11. Resolution #2016-053-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
12. Resolution #2016-053-12 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES.
13. Resolution #2016-053-13 entitled APPROVING RAFFLE LICENSE #RL:424.
14. Resolution #2016-053-14 entitled RESOLUTION AWARDDING A CONTRACT TO THE CONCORDE GROUP, INC., FOR RECORDS RETENTION.
15. Resolution #2016-053-15 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.
16. Resolution #2016-053-16 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO AUTHORIZE FINAL COMPENSATION TO MARK COSTNER UPON RETIREMENT.
17. Public Hearing on Ordinance #2016-1 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25, SECTION 509, OF THE CODE OF THE TOWNSHIP OF BORDENTOWN TO INCLUDE STANDARDS FOR TRUCK REFRIGERATION UNITS (TRUøS).
18. Consideration of Adoption of Ordinance #2016-1 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25, SECTION 509, OF THE CODE OF THE TOWNSHIP OF BORDENTOWN TO INCLUDE STANDARDS FOR TRUCK REFRIGERATION UNITS (TRUøS).
19. Public Hearing on Ordinance #2016-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING TITLE 6 OF THE CODIFIED GENERAL ORDINANCES OF

THE TOWNSHIP OF BORDENTOWN, AND CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE, TO ADD PROVISIONS FOR THE KEEPING OF CHICKENS.

20. Consideration of Adoption of Ordinance #2016-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING TITLE 6 OF THE CODIFIED GENERAL ORDINANCES OF THE TOWNSHIP OF BORDENTOWN, AND CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE, TO ADD PROVISIONS FOR THE KEEPING OF CHICKENS.
21. Public Hearing on Ordinance #2016-3 entitled AN ORDINANCE TO AMEND ORDINANCE #2015-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
22. Consideration of Adoption of Ordinance #2016-3 entitled AN ORDINANCE TO AMEND ORDINANCE #2015-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
23. Township Committee discussion of Burlington County's request to Conduct Aerial Larval/Adult Mosquito Control Activities.
24. Township Committee discussion of Continuation of Municipal Road Improvement Program.
25. Township Committee and Staff Reports.
26. Public Participation.

Questions, comments or statements from members of the public in attendance.
27. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
28. Motion to Adjourn.

RESOLUTION #2016-053-8

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated February 22, 2016, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

02/22/16

RESOLUTION #2016-053-9

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of February 8, 2016, and the Regular Meeting of February 8, 2016, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected); and

BE IT RESOLVED that the following reports for the month of January 2016 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, Construction, Community Development; and

BE IT FURTHER RESOLVED that the following items of correspondence are to be received and/or acted upon:

- a. Letter to Mayor and Township Committee, from the Burlington County Municipal Joint Insurance Fund, dated February 9, 2016, regarding 2015 Safety Incentive Program Awards.

02/22/16

RESOLUTION #2015-053-10

AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2016 taxes in the amount of \$1,702.93 to Mark Juza for Block 115 Lot 6 commonly known as 5 Georgetown Road.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2016 taxes in the amount of \$3,208.31 to CARY, ANDREW & MARY KAY for Block 94 Lot 18 commonly known as 8 NORTH COLONIAL DRIVE.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2016 taxes in the amount of \$392.13 to PINE, AMBER for Block 84 Lot 5 commonly known as 47 HINKLE DRIVE.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2016 taxes in the amount of \$306.85 to CORELOGIC for Block 93.01 Lot 98 commonly known as 45 WINDINGBROOK ROAD.

02/22/16
JCE

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 22, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2015-053-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #14-00026 was redeemed on FEBRUARY 12, 2016, in the amount of \$566.19.

WHEREAS, US BANK C/F PC6, LLC STERLING, paid tax sale premium, in the amount of \$1,1.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$1,100.00 to US BANK C/F PC6, LLC STERLING; for Lien 14-00026, Block 138.06 Lot 14 commonly known as 41 TANTUM COURT.

JCE
02/22/16

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 22, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2016-053-12

RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES

WHEREAS, the Township Committee of the Township of Bordentown has received an application for the renewal of a Plenary Retail Consumption license for 2015-2016, and

WHEREAS, due to the license not being renewed by the September 18, 2015, deadline, the applicant was required to submit a petition for a 12.18 ruling; and

WHEREAS, the Director of the Division of A.B.C. has authorized the 12.18 Special Ruling dated February 1, 2016, as attached;

WHEREAS, fees have been paid according to Township Ordinances and State regulations;

NOW, THEREFORE, BE IT RESOLVED that, based upon review of the applications, investigation of the applicants and inspection of the premises to be licensed by the appropriate agencies or officials of the Township, and reports submitted to the Township Committee, the Township Committee affirmatively finds that the applicants listed herein have met the following criteria for the renewal of licenses for the dispensing or sale of alcoholic beverages:

- (a) The submitted application form is completed in all respects; and
- (b) The applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and
- (c) Where the applicant has disclosed that additional financing was obtained in the previous licensed term for use in the licensed business, the issuing authority has reviewed the source of all funds for such additional financing; and

BE IT FURTHER RESOLVED that the Township Committee does hereby authorize the issuance and endorsement of the following Plenary Retail Consumption licenses:

LICENSE #0304-33-008-012

175 Route 130, LLC
167 Route 130
Township of Bordentown

Fee Paid - \$2,000.00
Effective Date: July 1, 2015
Authorized ó February 22, 2016

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 22, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/22/16

RESOLUTION #2016-053-13

APPROVING RAFFLE LICENSE #RL:424

WHEREAS, the Hamilton Square NJ Chapter of SPEBSQSA, Inc., has filed an application with the Township of Bordentown to hold a calendar raffle at the Scottish Rite located at 103 Dunns Mill Road in the Township of Bordentown every Wednesday from April 20, 2016 through June 29, 2016, and payment of the required fees has been made;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:424 be issued to the Hamilton Square NJ Chapter of SPEBSQSA, Inc., with the stipulation that the proceeds be used to assist in educating, funding and promoting high school and college age persons who are interested in learning about barbershop music as well as to cover the costs of the chapter operations including costs for music coaching travel and uniforms.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 22, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/22/16

RESOLUTION #2016-053-14

RESOLUTION AWARDING A CONTRACT TO THE CONCORDE GROUP, INC., FOR RECORDS RETENTION

WHEREAS, the County of Burlington applied for and was awarded a PARIS grant for records retention purposes on behalf of any Burlington County municipalities who wished to participate; and

WHEREAS, the County of Burlington did contract with the Concorde Group, Inc., to carry out said project; and

WHEREAS, each Burlington County municipality that participated in the grant was allotted a proportionate amount of the grant monies towards their municipality based on their records retention needs; and

WHEREAS, the Township of Bordentown did, in fact, participate in the PARIS grant and utilized all the grant monies allotted for the Township; and

WHEREAS, the Township of Bordentown did contract with the Concorde Group, Inc., for years 2012, 2013 and 2014 to maintain the records retention needs for the municipality; and

WHEREAS, it is the desire of the Township of Bordentown to retain the services of the Concorde Group, Inc., to continue the needs for the year 2016; and

WHEREAS, the Concorde Group, Inc., has submitted a proposal to complete said project;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby award a contract to the Concorde Group, Inc., 3730 West Chester Pike, P.O. Box 87, Newtown, PA 19073, to perform the tasks as specified within the agreement; and

BE IT FURTHER RESOLVED that the fees shall be in accordance with the attached proposal.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 22, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/22/16

RESOLUTION #2016-053-15

RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT

WHEREAS, pursuant to N.J.S.A. 40A:4-19, the local municipal temporary budget for the year 2016 was approved on the 2nd day of January, 2016; and

WHEREAS, pursuant to N.J.S.A. 40A:4-19, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance are excluded from the 26.25% of the prior year budget cap; and

WHEREAS it is desired to amend said temporary budget in order to appropriate sufficient funds for the payment of the Township's capital improvement needs;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, that the following temporary appropriation be made:

TEMPORARY BUDGET

Temporary Appropriations 02.22.16 NJSA 40A:4-20

| | PRIOR | 3,920,382.00 |
|-----------------------|----------------|---------------------|
| Administration | Other Expenses | 8,000.00 |
| Municipal Clerk | Salary & Wages | 11,000.00 |
| Finance - | Salary & Wages | 12,000.00 |
| Finance | Other Expenses | 2,500.00 |
| Tax Collection | Salary & Wages | 3,000.00 |
| Assessor | Salary & Wages | 2,000.00 |
| Legal Services | Other Expense | 35,000.00 |
| Planning Board | Other Expense | 250.00 |
| Zoning Board | Other Expense | 250.00 |
| Community Development | Salary & Wages | 15,000.00 |
| Community Development | Other Expense | 3,000.00 |
| UCC | Salary & Wages | 25,000.00 |
| Employee Health Ins | Other Expenses | 20,000.00 |

| | | |
|--------------------------------------|--|---------------------|
| Police | Salary & Wages | 180,000.00 |
| Public Safety - EMS | Salary & Wages | 3,000.00 |
| Streets & Roads | Salary & Wages | 60,000.00 |
| Solid Waste Collection - Contractual | Other Expense | 31,000.00 |
| Vehicle Maintenance | Salary & Wages | 5,000.00 |
| Vehicle Maintenance | Other Expenses | 15,000.00 |
| Senior Center | Other Expenses | 500.00 |
| Environmental Commission | Other Expenses | 100.00 |
| Telecommunications | Other Expenses | 5,000.00 |
| FICA | Other Expenses | 40,000.00 |
| EMS | Salary & Wages | 35,000.00 |
| EMS | Other Expense | 3,000.00 |
| | Total Including this resolution | 4,434,982.00 |

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal temporary budget so amended.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 8, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/08/16

RESOLUTION #2016-053-16

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO AUTHORIZE FINAL COMPENSATION TO MARK COSTNER UPON RETIREMENT

WHEREAS, Mark Costner will retire his position with the Bordentown Township Police Department effective March 1, 2016; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Lieutenant Costner's service to the Township, its residents, and the community at large is noteworthy and that Lieutenant Costner ends this service in good standing; and

WHEREAS, the Township Finance Department has determined that the total and final compensation due to Lieutenant Costner upon retirement is \$12,000.00, as detailed in the contracts between the Township of Bordentown and the Bordentown Township Police Department;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown hereby authorizes final compensation to Lieutenant Costner upon retirement of a total of \$12,000.00; and

BE IT FURTHER RESOLVED that the Township Committee hereby directs the Township Clerk to provide Lieutenant Costner a certified copy of this resolution; and

BE IT FURTHER RESOLVED that the Township Committee hereby states its wishes to Lieutenant Costner for a happy and healthy retirement.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 22, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/22/16

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2016-1

**An Ordinance of the Township of Bordentown Amending Chapter 25, Section 509
of the Code of the Township of Bordentown to Include Standards for Truck
Refrigeration Units (TRU's).**

WHEREAS, Chapter 25, Section 509 in the Land Development Code of the Township of Bordentown, provides for performance standards for All Uses with the Township, and;

WHEREAS, the Township Committee recognizes that the operation of Truck Refrigeration Units (TRU's) on refrigerated trucks, while parked at warehouses which are adjacent to residential uses and zones, can and does have a negative impact to nearby residences by producing nuisances such as excessive or undesirable noise, vibration, and air pollution, thus exposing the nearby residents to the same, and;

WHEREAS, the Township Committee has further determined that the Township Code shall be amended in order to provide standards to reduce or eliminate the negative impacts from the operation of TRU's while trucks are parked at warehouses, and to promote the health, safety, and general welfare of the public.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1. Chapter 25, Section 509, Performance Standards for all Uses, is hereby amended to create, **Sub-Section M'** for **Truck Refrigeration Units**, as follows:

25-509 M. Operation of Truck Refrigeration Units at Warehouses and Non-Residential Uses Adjacent to Residential Uses or Zones

- 1.** Applicability ó Following the date of the adoption of this Sub-Section, the provisions contained herein shall be applicable to all new or proposed warehouse and non-residential uses, owners, operators, and tenants, for warehouses within five-hundred-feet (500') of a residential use, zone or development, as measured from the property lines of the uses.
- 2.** For new or proposed warehouses or other non-residential uses which provide for the parking of trucks, and are the subject of any land-use application, including a site plan approval, construction permit, or a zoning permit, the applicant, developer, tenant or owner (collectively, **applicant**) shall provide information to the approving authority demonstrating compliance with this subsection. Where an applicant proposes a warehouse or other non-residential use or operation which provides for truck parking, and for which they assert will not include the parking of refrigerated trucks, the applicant shall provide a sworn statement and other such information as required to the satisfaction of the approving authority, demonstrating that the proposal will not require or allow for the parking of refrigerated trucks, and acknowledging the need to comply with this sub-section and obtain approvals, if the need for parking of refrigerated trucks arises in the future.
- 3.** Requirement to provide alternate technologies ó In order that refrigerated trucks will not use and operate diesel or other fossil fuel-powered Truck Refrigeration Units (TRU's) while parked for a period of more than thirty (30) minutes, the Owner, Operator, or Tenant of a warehouse or other non-residential facility shall provide the infrastructure for, and have available for use by refrigerated trucks, alternative

technologies which will allow parked refrigerated trucks to operate TRUØ without the need for diesel or other fossil fuel-power. Such alternate technologies may include, but shall not be limited to:

- a.** Parking Space Electrification to provide parked refrigerated trucks with a permanent, reliable source of grid-supplied electric power to operate electric or hybrid diesel-electric TRUØ without the need for the use of fossil fuel-power, or
- b.** Other such alternate technology, as deemed acceptable by the Planning or Zoning Board, Zoning Officer, or Construction Official, as appropriate, which shall demonstrate compliance with the intent and purposes of this sub-section and reliably eliminate the need for parked, refrigerated trucks to use and operate fossil fuel-powered TRUØ.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2016-2

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING
TITLE 6 OF THE CODIFIED GENERAL ORDINANCES OF THE TOWNSHIP
OF BORDENTOWN, AND CHAPTER 25, THE LAND DEVELOPMENT
ORDINANCE, TO ADD PROVISIONS FOR THE KEEPING OF CHICKENS**

WHEREAS, Title 6 of the Codified General Ordinances of the Township of Bordentown provides for the regulation of animals; and,

WHEREAS, Chapter 25 is the Land Development Code of the Township of Bordentown, and such code also provides zoning regulations for the keeping of animals; and,

WHEREAS, the Township Committee has determined that the Township Codes shall be amended in order to permit the keeping of chickens under certain requirements and conditions,

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that the Codes are amended as follows:

Section 1.

Chapter 6.20, entitled, "Standards for Keeping Chickens" is hereby established and added to the Codified General Ordinances, as follows:

Chapter 6.20 Standards for Keeping Chickens

6.20.10 License Required

No persons shall own, keep, harbor or maintain any chicken within Bordentown Township without first applying for and obtaining an annual license from the Township of Bordentown. The application shall be made on forms provided by the Township Clerk and shall contain a certification by the applicant that the requirements and conditions established in this ordinance will be met by the applicant. Said license shall be expire on the last day of March following the issuance of the initial license, and shall be renewed no later than April 30. The licensee must be the owner in fee of the property. No person renting or leasing a property may be issued a license. Licenses shall not be issued for vacant properties.

6.20.11 Applicability

The Keeping of Chickens shall only be permitted on property which conforms to all of the following criteria:

- A. The principal use of the property is residential, and
- B. The residence is a detached, single-family dwelling unit, and

- C. The keeping of chickens on such property will be fully-compliant with all of the conditions set forth within this Ordinance.

6.20.20 Exemption

This ordinance shall not apply to qualified farms in zones where farming is permitted, and where such farm has a minimum of five (5) contiguous acres.

6.20.30 Inspection Required before License Issuance

Following application by a person for an initial License for the keeping of chickens, and before the issuance of a License by the Township Clerk, the Zoning Officer shall inspect the premises where chickens are to be kept in order to ensure compliance with the conditions of this Ordinance. In the event that the Zoning Officer finds the premises do not meet the conditions established in this Ordinance, they shall notify the property owner. The property owner shall not be issued a license until the violations are corrected.

6.20.40 Fee

The fee for the first issuance and any subsequent renewal of an annual License to Keep Chickens shall be \$10.00. The fee for late license renewals after April 30 shall be \$15.00. The fee shall cover administrative expenses for the inspection and regulation of the keeping of chickens.

6.20.50 Standards and Conditions for the Issuance of a License to Keep Chickens

For applicable properties, the keeping of chickens is hereby authorized and shall be licensed only under the following conditions:

- A. Minimum Lot Size to Keep Chickens: A minimum lot size of one-third acre (14,520 square feet) is required.
- B. Number of Allowable Chickens: No more than four chickens shall be permitted on any lot less than or equal to one-half acre (21,780 square feet) in area. No more than six chickens shall be permitted on any lot more than one-half acre or less than or equal to two acres (87,120 square feet) in area. For lots greater than two acres in area, up to twelve chickens shall be permitted.
- C. Roosters and Cockerels Prohibited: The keeping of Roosters (mature male chickens) and Cockerels (young male chickens) is prohibited on the licensed property, even for the purpose of fertilization.
- D. Slaughtering: The slaughtering of chickens on the premises is prohibited.
- E. Shelters Required: Chickens shall be provided with a fully-enclosed shelter (coop) and may be provided with a run (fenced enclosure), conforming to:
 - a. Shelters and runs shall be in the rear yard only.
 - b. Shelters and runs shall be located a minimum of ten-feet from any property line and a minimum of twenty-five-feet for any residential dwelling, both on and off premises.

- c. The maximum permitted area of any shelter is 80-square-feet. The total area of a shelter and any attached run shall not exceed 150-square-feet.
 - d. The maximum permitted height of a chicken shelter shall be six-feet.
 - e. Chickens may roam outside the shelter and run areas in a back yard which is completely enclosed with a fence for no more than 2-hours per day, provided that a resident, of at least 18-years of age, is present the entire time.
 - f. The shelter must be appropriately sized for the number of chickens, and shall be kept dry and well-ventilated with provisions to admit sunlight into the structure. The shelter must be predator-proof. The structure and exterior of the shelter shall be maintained in good repair and shall reflect a level of care and maintenance consistent with the surrounding neighborhood.
- F. Storage of Waste, Odor: Storage of manure, excreta, and other waste substances shall be located at least 25-feet from any lot line and at least 50-feet from any residential dwelling, both on and off premises. If stored on the premises it must be properly composted per USDA guidelines, or stored in a properly sealed, watertight container for disposal off-site. There shall be no perceptible odor emanating from the shelter, run, yard, or waste storage.
- G. Storage of Feed: Animal feed stored outdoors shall be kept in sealed containers with tightly-fitting lids.
- H. No Running at Large: No person shall permit, suffer, or allow, whether intentional or not, a chicken to run at a large in the side or front yard of the property, or upon any public street or property, or any neighboring property.
- I. No Disturbing the Peace: No chicken shall be allowed to disturb the peace or quiet of the neighborhood by creating a noise across a residential property line continually for more than ten-minutes or intermittently for more than thirty-minutes. However, if chickens create noise by being provoked by neighboring animals, it shall be the responsibility of the owner of the chickens to provide a suitable location for the shelter, run, or roaming area so as to avoid creating noise. The owner of any legal, licensed animal on an adjacent property shall in no way be held responsible for noise created by chickens.
- J. Selling of Eggs Prohibited: No eggs produced by the chickens shall be sold, nor shall any advertisement or solicitation be permitted.

6.20.51 Inspection of Premises by Enforcement Officials.

Following reasonable notice by the Township, a licensee shall permit the Township Animal Control Officer (ACO), or other Enforcement Official, to inspect the premises where chickens are kept, in order to ensure compliance with this Ordinance. Inspections may be routine, or for the specific purpose of investigating a complaint regarding the keeping of chickens. When an enforcement official is refused entry or access, or is otherwise impeded by the Owner from conducting an inspection, the Owner shall be in violation of this Ordinance and subject to revocation of the license and penalties as set forth herein.

6.20.60 Revocation of License; Violations and Penalties

Failure to comply with the conditions and regulations set forth in this Ordinance shall result in the revocation of the license by the Township Clerk, after due notice from the Animal Control Officer to the licensee and failure of the licensee to correct the violation(s) within 30-days of the notice. Any property owner who shall have had a license revoked must, within one-month following the revocation, remove all chickens and any chicken coop and related improvements from the property. Failure to do so shall constitute a violation of this Ordinance. Any person who shall have had a License revoked may not re-apply for, nor shall they be granted, a new License for a period of two-years following such revocation.

Any person who violates any provision of this Ordinance shall, upon conviction in the Bordentown Township Municipal Court, pay a fine of not less than five-hundred dollars (\$500.00), nor more than one-thousand dollars (\$1,000.00) for each violation. Each day that a violation occurs shall be deemed a separate and distinct offense and subject to the fine listed herein.

Section 2.

Chapter 25 (Land Development Ordinances), Sub-Section 25:401.E. is hereby amended to add the following at the end of the sub-section:

However, the Keeping of Chickens is permitted subject to the requirements of Chapter 6.20 of the Codified General Ordinances of the Township of Bordentown.

Section 3. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 4. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

