

**ORDINANCE PROHIBITING THE RAISING AND KEEPING OF CHICKENS ON
A NON-COMMERCIAL BASIS ON RESIDENTIAL PROPERTIES**

WHEREAS, it has become apparent to the City that city residents have commenced the keeping and raising of chickens on a non-commercial basis on residential properties in the City, and

WHEREAS, the City land use ordinance does not permit the keeping or raising of chickens on a non-commercial basis on residential lots by virtue of such use not being listed as a permitted use, but it appears that additional specific prohibitory language is necessary to advance such a prohibition; and

WHEREAS, the presence of chickens being raised on residential properties has become a nuisance as chickens have escaped onto city streets, chicken coops and hen-houses are being constructed without zoning, health or building reviews, roosters are disturbing the sleep of residents, residential lots are not large enough to contain nuisance impacts – smell, noise, rodent attraction, increased garbage production, etc. - of the keeping and raising of chickens from negatively affecting neighbors and neighboring property values, and the sights and sounds of chickens on private properties and city streets is not within the vision of the City of Plainfield,

NOW THEREFORE BE IT ENACTED by the City Council of the City of Plainfield, that Section 5:7-6D of the City Health code be amended to read:

§ 5:7-6D Prohibited activities and treatment.

[MC 2015-09, March 9, 2015; MC 2016-13, May 9, 2016]

(a)

No owner, caretaker, guardian or handler shall withhold proper shelter, light, space, protection from weather, veterinary care, and/or immune care from any animal.

(b)

No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient edible food and potable drinking water on a daily basis. Food and water must be in an animal food consumption or water consumption type container, feeder or waterer.

(c)

No animal shall be subjected to unnecessary suffering or cruelty such as subjecting the animal to prolonged confinement, fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld.

(d)

No animal shall be confined in a parked or standing vehicle or enclosed trailer for a period of five (5) or more minutes when the temperature during such period is either below 32° F or above 85° F.

(e)

The keeping and raising of chickens for a non-commercial basis in residential properties is prohibited.

BE IT FURTHER RESOLVED, that Section 17:9-46 of the Land Use Ordinance - be amended to read:

§ 17:9-46 Prohibited uses.

[MC 2002-29 § 17:9-46, December 2, 2002; MC 2007-04 Exh. A, June 20, 2007]

Any use which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, odor or other form of air pollution or by the reason of the deposit, discharge or dispersal of liquid or solid wastes in any form, in a manner or amount so as to cause permanent damage to the sod and stream, or to affect adversely the surrounding area, or by reason of the creation of noise, vibration, electromagnetic or

other disturbance, or by reason of illumination by artificial light or light reflection beyond the limits of the lot on, or from which, such light or light reflection emanates, or which involves any dangerous fire, explosive, radioactive or other hazard, or which causes injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants, and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety, or general welfare, is prohibited in all zones. Any use not expressly permitted in this chapter is prohibited. Rooming or boarding houses are not permitted uses in the City of Plainfield. **The keeping and raising of chickens for a non-commercial basis in residential properties is prohibited.**

Section 2

Any part of this ordinance, or any ordinance, resolution or regulation adopted pursuant to this ordinance, which is contradictory or inconsistent with this ordinance shall be invalid.

Section 3

If any section of this ordinance is adjudged invalid, such determination shall apply only to the specific section so adjudged and the remainder of the ordinance shall be deemed valid.

Section 4

A notice of this action shall be published in the official newspaper authorized to publish legal notices for the City.

Section 5

This ordinance shall take effect twenty (20) days after final passage and approval, as provided by law.

Adopted by the City Council

September 13, 2021

Abubakar Jalloh, City Clerk

Approved as to form

David Minchello
Corporation Counsel