

**TOWNSHIP OF NORTH BRUNSWICK
ORDINANCE 26-01**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 205, "LAND USE"
OF THE CODE OF THE TOWNSHIP OF NORTH BRUNSWICK**

BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that Chapter 205, Land Use, be amended and supplemented as follows:

Article III Word Usage; Definitions

§ 205-7 Definitions shall be amended and supplemented as follows:

ANIMAL FOSTER HOME - Any premises used for residential purposes in which cats or dogs are placed or received with an individual or group of individuals for the purpose of temporarily caring for animals, with or without salary or compensation, without the individual(s) assuming ownership, and with the intent of relinquishing the animal to a suitable owner when one is located.

ANIMAL SHELTER – Facilities for the purpose of temporarily caring for animals, with or without salary or compensation, that do not contract for the impoundment of stray animals but receive, house and distribute seven (7) or more animals, without assuming ownership, that are surrendered by owners or identified as stray animals.

CHICKEN - A female domestic fowl (*Gallus domesticus*), descended from various jungle fowl, especially the red jungle fowl, and developed in a number of breeds for its flesh, eggs, and feathers.

KENNEL - Any established lands, structure or facility where pets are kept for sale, breeding, boarding, training or treatment purposes in return for remuneration or as a nonprofit organization, except an animal hospital, grooming parlor, or pet shop.

LIVESTOCK - All animals of the equine, bovine, or swine class, including but not limited to goats, sheep, mules, horses, hogs, cattle, and other grazing animals. Livestock may be kept and used for the production of food, wool, skins or fur, or for use in any agricultural or for-profit activity.

PASTORAL ANIMALS - Livestock and poultry.

PETS - Animals and fowl normally domesticated in the United States, which are kept in the home for pleasure rather than utility, but not including mules, horses, sheep, goats, hogs, pigs, turkeys, ducks, or cows and other animals belonging to the equine, bovine, or swine family.

PETS, EXOTIC - Any non-game species, mammal, bird, reptile, or amphibian not indigenous to New Jersey, and hybrids of such animals, whether wild-borne or captive-bred, which are kept in

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the home for pleasure rather than utility, and are relatively rare or unusual to keep, or is generally thought of as a wild or farm species rather than as a pet.

PET DAY CARE & BOARDING FACILITY - A building, structure or portion thereof designed or used for the grooming, daycare, boarding, and/or training of cats, dogs or other household domestic animals.

PET SHOP - Any retail establishment, which is not part of a kennel, wherein animals, including, but not limited to, birds, fish, reptiles, rabbits, hamsters or gerbils are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail for personal appreciation and companionship rather than for business or research purposes.

POULTRY - Domesticated fowl, such as chickens, turkeys, ducks, or geese, raised for meat or eggs, or for use in any agricultural or for-profit activity.

POUND – An establishment for the confinement of cats, dogs, and other animals either seized or boarded under the provisions of this chapter or otherwise, including animal holding facilities that contract with municipalities for the impoundment of stray animals seized by animal control officers pursuant to N.J.S.A. 4:19-15.16.

VETERINARY CLINIC - A building or part of a building in which facilities are provided for the medical care, treatment, prevention, cure and alleviation of disease and/or injury to animals. The boarding of animals is limited to short-term care during the treatment period and is provided entirely inside of a building. Such boarding does not include any outdoor facilities such as kennels, pen runs, and enclosures,

WILD ANIMALS - Animals of a species not usually domesticated in the United States.

Article V General Regulations for Residential Districts

§ 205-40(B) Uses Prohibited in all Zones shall be replaced in its entirety as follows:

B. It shall be unlawful for any person to keep, harbor, breed, sell or maintain any pastoral animals upon any premises in any zoning district, except as specifically permitted by the express terms of this chapter.

§ 205-42 Keeping of Horses shall be renamed and replaced in its entirety as follows:

§ 205-42.1 Keeping of Pastoral Animals

The keeping of pastoral animals for personal use shall be permitted for any residential use provided that:

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A. A minimum of five (5) acres of land are required for the keeping of pastoral animals on any residential property, except that a minimum residential lot size of 50 feet by 100 feet is required to keep chickens pursuant to this section, which shall be further regulated pursuant to Chapter 110, Animals, Section § 110-27. Four (4) poultry shall be the equivalent of one livestock animal for purposes of this chapter.

B. There shall be an aggregate open area equal to not less than one-acre for each livestock animal on the property.

C. No person shall keep pastoral animals within one hundred (100) feet of the nearest property line. Shelters for chickens may be located no closer than 20 feet to rear or side property lines, provided that all covered enclosures and fence enclosures for chickens are located in the rear or side yard only and screened from public view by a fence or landscaping.

D. No person shall keep any pastoral animal as a pet, and a pastoral animal shall not be considered a pet.

E. All pastoral animals must be provided with a stable or shelter under a roof of at least 100 square feet per animal, except that shelters for chickens or similar species shall not be less than five (5) square feet per bird, provided that the shelter shall not exceed 60 square feet in size or six-feet in height.

F. A Zoning Permit from the Department of Community Development shall be required to erect a stable, shelter, coop or any other building or structure for purposes of the keeping of chickens or any other pastoral animals.

G. Enforcement. It shall be the duty of the Zoning Officer, or his designated representative, to inspect and require correction of any conditions found to exist in violation of this chapter, and he shall have the right of inspection to enter any premises or associated enclosure during regular business hours in the course of his duties.

A new section § 205-42.2 Animal Foster Homes shall be established as follows:

§ 205-42.1 Animal Foster Homes

Limitations. There shall be no more than five (5) cats or dogs under temporary care in any premises used for residential purposes and functioning as an Animal Foster Home. In no event shall the number of cats or dogs, including pets, housed in an Animal Foster Home exceed eight (8) animals. Any cat or dog held in an Animal Foster Home more than seven (7) months shall be considered a privately-owned animal, and the requirements of Chapter 110 shall be met.

Article XIII C-1 Neighborhood Commercial District

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§ 205-65 Permitted uses shall be amended and supplemented as follows:

The following uses shall be permitted in C-1 Neighborhood Commercial Districts:

A. Permitted principal uses.

- (14) Pet shop and pet day care and boarding facilities.

Article XIV C-2 General Commercial District

Conditional uses (subject to the provisions of Article XXIX of this chapter).

§ 205-67(D)(6) shall be deleted in its entirety:

- (6) Commercial swimming pools and swimming clubs.

§ 205-67(D)(2) (Reserved) shall be amended and supplemented as follows:

- (2) Animal shelters, pounds, kennels.

Article XVI I-1 Industrial District

§ 205-71 Permitted uses shall be amended and supplemented as follows.

The following uses are permitted in I-1 Industrial Districts:

A. Permitted principal uses.

- (7) Pet day care and boarding facilities.

D. Conditional uses (subject to the provisions of Article XXIX of this chapter).

- (2) Animal shelters, pounds, and kennels.

Article XXIX Conditional Uses

§ 205-124 Commercial swimming pools and swimming clubs shall be deleted in its entirety.

§ 205-67(D)(2) (Reserved) shall be amended and supplemented as follows:

§ 205-116. Animal shelters, pounds, kennels.

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Animal shelters, pounds, kennels may be permitted as conditional uses in certain zone districts as provided in this chapter, provided that:

- A. The principal building shall meet all setback requirements of the zoning district in which the lot is located
- B. Sufficient space shall be provided indoors for all animals kept at the facility, and no animals shall be kept outdoors between 7:00 p.m. and 7:00 a.m.
- C. Outdoor facilities shall be located a minimum of 150 feet from any residential use
- D. No outdoor facility shall be located in the parking lot, and must be located in the side or rear yard, provided that no such facility shall be located closer than 10 feet to the side or rear property line.
- E. Outdoor facilities shall be enclosed with a six-foot solid fence. When the facility is located on a lot adjacent to a residential use, the fence must be comprised of wood stockade, PVC vinyl, or similar material.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage and publication in accordance with applicable law.

TITLE

This Ordinance shall be known as may be cited as the Ordinance
Amending and Supplementing Chapter 205, Land Use

Michael C. Hritz, Director of Community Dev

Justine Progebin, Business Administrator

Ronald H. Gordon, Township Attorney
(Approved as to legal form)