**ORDINANCE 14-2018**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AMEND CHAPTER V, ANIMAL CONTROL, OF THE BOROUGH CODE TO ESTABLISH THE POSITION OF MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER**

 **BE IT ORDAINED,** by the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey, that Chapter V of the Borough Code is amended to establish the position of Municipal Humane Law Enforcement Officer, as follows:

**SECTION ONE.** Chapter V, Animal Control, § 5-1, Definitions, of the Borough Code is hereby amended to add the following language:

*Municipal Humane Law Enforcement Officer* shall mean the person appointed by the Borough who shall be responsible for animal welfare within the jurisdiction of the municipality, and who shall enforce and abide by the provisions of Title 4, Chapter 22 of the New Jersey Revised Statutes, and any amendments thereof, and shall be authorized to investigate and sign complaints, arrest violators, and otherwise act as an officer for detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the Municipality.

**SECTION TWO.** Chapter V, Animal Control, § 5-2, Animal Services Coordinator, Animal Control Officer and Animal Cruelty Investigator, of the Borough Code shall be amended to read as follows in its entirely:

**5-2 DIRECTOR OF ANIMAL CONTROL SERVICES, ANIMAL CONTROL OFFICER, AND MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER.**

1. The position of Director of Animal Control Services is hereby established under the jurisdiction of the Department of Administration.
2. The Director of Animal Control Services shall be an employee of the Borough and subject to the control and direction of the Borough Administrator or his authorized representative.
3. The duties of the Director of Animal Control Services shall be those duties of the Animal Control Officer, as well as responsibility to oversee the Department's day to day performance and implementation of all duties and responsibilities arising from the interlocal agreements between the Borough and other municipalities in connection with the provision of animal control services.
4. The position of Animal Control Officer is hereby established under the jurisdiction of the Department of Administration.
5. The Animal Control Officer shall be an employee of the Borough and subject to the control and direction of the Borough Administrator or his/her authorized representative.

2. The duties of the Animal Control Officer shall be the enforcement of the measures and provisions for the control of the animal contained in Title 4, Chapter 19, of the New Jersey Revised Statutes, and any amendments thereof, and the provisions of this Chapter. The Animal Control Officer shall be available to render assistance in any situation deemed necessary by the governing body of the Borough concerning any animal-related matter, as permitted by law.

c. The position of Municipal Humane Law Enforcement Officer is hereby established. To be appointed to the position of Municipal Humane Law Enforcement Officer, a person must have satisfactorily completed the training course developed pursuant to N.J.S.A. 4:22-11.11, subject to the provisions of same as applicable, as soon as practicable, but no later than one year after the date on which the officer’s designation is approved by the Chief of Police.

1. The Municipal Humane Law Enforcement Officer shall be appointed by the Mayor, upon the recommendation of the Chief of Police, with the advice and consent of the Council, and shall serve a term of office of one (1) year, commencing on January 1 and terminating December 31 in each year or the unexpired portion thereof.
2. The powers and duties of the Municipal Humane Law Enforcement Officer shall include, but not be limited to, the following:
3. Enforcement of all animal welfare or animal cruelty laws of the State of New Jersey and ordinances of the Borough.
4. Investigate and sign complaints concerning any violation of an animal welfare or animal cruelty law of the State of New Jersey or ordinance of the Borough;
5. Act as an officer for the detection, apprehension and arrest of offenders against the animal welfare and animal cruelty law of the State of New Jersey and ordinance of the Borough.
6. Such other powers and duties required under ordinance or law.

3. The Municipal Humane Law Enforcement Officer shall be authorized to possess, carry and use a firearm while enforcing the laws and ordinances enacted for the protection of animals, provided that such officer qualifies and maintains all certification and training requirements pursuant to law.

4. The Municipal Humane Law Enforcement Officer shall receive such compensation as may be fixed and determined by the Council either in the annual salary ordinance and implementing resolutions or by contract, as the case may be.

**SECTION 2.** All ordinances of the Borough of Bloomingdale, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 1st day of May, 2018, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 12th day of June, 2018 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk’s Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

                                                                                                            Breeanna Calabro, RMC

                                                                                                            Municipal Clerk