

ORDINANCE NO. 2212-18

AN ORDINANCE AMENDING CHAPTER 136 OF THE CODE OF THE BOROUGH OF HAWTHORNE, ANIMALS, ADDING THERETO ARTICLE V, ESTABLISHING THE POSITION OF MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER

BE IT ORDAINED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic, that:

Section 1. The Code of the Borough of Hawthorne is hereby amended and supplemented so as to amend Chapter 136, Animals, creating thereunder Article V, establishing the position of Municipal Humane Law Enforcement Officer, said section to read as follows:

Chapter 136
Animals

Article V
Municipal Humane Law Enforcement Officer

Section 136-33 Establishment of Office. There is hereby created the position of Municipal Humane Law Enforcement Officer for the Borough of Hawthorne in accordance with NJSA 4:22-14.1 et. seq.

Section 136-34. Appointment and Term. The Mayor, upon recommendation of the Chief of Police, shall appoint a Municipal Humane Law Enforcement Officer for a term of one (1) year, commencing on January 1 and ending on December 31 of each year, or until a successor has been duly named and appointed. To the extent the individual(s) appointed to serve in such position are employed by an entity performing Animal Control Services in the Borough, the cessation of employment with such entity may constitute grounds for termination of any appointment hereunder, at the election of the Mayor. In such event, the Mayor may make a replacement appointment to such position for the remainder of the current term.

Section 136-35. Powers and Duties. The Municipal Humane Law Enforcement Officer shall exercise the following powers and duties, including, but not limited to:

- a) Enforcement of all Animal Welfare or Animal Cruelty Law of the State of New Jersey or Borough of Hawthorne.
- b) Investigate and sign complaints concerning any violation of an Animal Welfare or Animal Cruelty Law of the State of New Jersey or Borough of Hawthorne.
- c) Act as an Officer for the detection, apprehension and arrest of offenders against the Animal Welfare and Animal Cruelty Laws of the State of New Jersey and Ordinances adopted by the Borough of Hawthorne.
- d) Comply with provisions of Chapter 22 of Title 4 of the New Jersey Revised Statutes, NJSA 4:22-14.1 et. seq.
- e) Such other duties as may be assigned or acquired by law or ordinance.

Section 136-36. Firearm Authority. The Municipal Humane Law Enforcement Officer shall have the authority 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. In the event occasion arises which may require use of a firearm, the Hawthorne Police Department shall be contacted by the Municipal Humane Law Enforcement Officer as soon as possible.

Section 136-37. Compensation. The Municipal Humane Law Enforcement Officer shall receive such compensation as may be fixed and determined from time to time either in the Annual Salary Ordinance or by contract as the case may be.

Section 2. Repealer. All other provisions of this Chapter which are not affected by this Ordinance shall remain in full force and effect. To the extent that any ordinance or parts of any ordinance shall be inconsistent with this Amendatory Ordinance, then the provisions of this Ordinance shall prevail.

Section 3. Severability. If any section, paragraph, subdivision, clause or provision of this Chapter shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Chapter shall be deemed valid and effective.

Section 4. Effective Date. This Ordinance shall take effect as provided by law.

Frank E. Matthews, Council President

Attest:

Lori DiBella, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on June 6, 2018. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on July 11, 2018 at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be posted on the Borough website, www.hawthornenj.org, and made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori DiBella, RMC, Borough Clerk

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE INTRODUCED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON JUNE 6, 2018.

ATTEST:

Frank E. Matthews, Council President

Lori DiBella, RMC, Borough Clerk

APPROVED:

Richard S. Goldberg, Mayor