

NOTICE

Notice is hereby given that the following Ordinance was introduced at a meeting of the Board of Health of the City of Englewood, Bergen County, New Jersey, conducted on Wednesday, July 16, 2008 and will be further considered for final passage and adoption at a meeting of said Board to take place on September 10, 2008 at 8:00 p.m. or as soon thereafter as the matter can be heard at the Englewood Municipal Court, 73 South Van Brunt Street, Englewood, New Jersey, at which time any interested party may comment thereon.

CITY OF ENGLEWOOD BOARD OF HEALTH

ORDINANCE NO. 08-05

ORDINANCE OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO CREATE THE TITLE OF "ANIMAL CRUELTY INVESTIGATOR", AND AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE HEALTH CODE OF THE CITY OF ENGLEWOOD, DEFINING THE ANIMAL CRUELTY CODE

NOW THEREFORE BE IT ORDAINED by the Board of Health of the City of Englewood as follows:

SECTION 1. Animal Cruelty Investigator.

A. Position Created. There shall be established in the Department of Health, City of Englewood, the position of Animal Cruelty Investigator at a salary ranging from \$13.00 minimum to \$32.00 maximum per hour, or as set by subsequent salary ordinance.

B. Appointment and Term of Office. The Animal Cruelty Investigator shall be appointed by the Board of Health and shall serve a term of three (3) years, commencing on the adoption of this ordinance and ending on the third anniversary thereof, or until the successor shall be appointed and qualified.

C. Duties. The duties of the Animal Cruelty Investigator shall include, but not be limited to, the following:

1. Enforce all laws and ordinances enacted for the protection of animals including, but not limited to, animal control, animal welfare and animal cruelty laws of the State and local ordinances.
2. Conduct investigations and initiate and prosecute complaints and/or violations of animal control, animal welfare of animal cruelty laws of the State of New Jersey, as well as local ordinances.

3. Engage in the apprehension and arrest and detection of offenders who have violated animal control, animal welfare and animal cruelty laws of the State, as well as local ordinances.
4. Working in consultation and cooperation with the Police Department, under the direction of the Health Officer as well as the Director of Health Services when applicable, and when necessary cooperatively, determining whether probable cause exists for the application and issuance of a search or arrest warrant and implementing same.

D. Qualifications. To be appointed to the position of Animal Cruelty Investigator, a person must hold a certified Animal Control Officer Certificate from the State of New Jersey, have and maintain the New Jersey State Animal Cruelty Investigators Certification pursuant to N.J.S.A. 4:19-15.16a.

SECTION 2. Animal Cruelty Code.

Chapter 4 of the Health Code of the City of Englewood be, and is hereby, amended and supplemented, adding Article 6, to define the “Animal Cruelty Code” as follows:

Article 6. Animal Cruelty.

A. The term Animal includes dogs, cats, rabbits, birds, other household animals commonly or uncommonly found. Owner, caretaker or guardian means all persons claiming such or persons in the family or household responsible for the animals’ health, safety and general welfare. It includes all persons that cause or procure animal neglect or abuse as defined in title 4 of the laws of the State of New Jersey, including:

B. General cruelty or neglect, overwork, physical or mental torture or torment, sexual abuse, poisoning. Deprivation of necessary sustenance such as but not limited to food, drink, veterinary care or shelter. It includes, abandonment, animal(s) left in specified places without proper care or human attention. General neglect also means the negligent failure of a person having the care of custody of animal(s) to provide adequate food, shelter, medical care or supervision where no physical injury to the animal(s) has occurred.

C. Neglect means the negligent treatment or maltreatment of animal(s) by a person responsible for the animals’ welfare under circumstances indicating harm or threatened harm to the animals’ health or welfare. The term includes both acts and omissions of the part of the responsible person.

D. Severe neglect means the negligent failure of a person having the care or custody of animal(s) from severe malnutrition or medically diagnosed non-organic failure to thrive. Also, in situations of neglect where any person having the care or custody of animal(s) willfully causes or permits other persons to cause damage to the health and safety to animal(s), including failure to provide adequate food, shelter or medical care. Ownership or possession of fighting gamecocks, other birds, or dogs.

E. Engaging for the amusement or gain in an exhibition of fighting gamecocks, other birds, or dogs. Have in possession any of the implements commonly known as gaffs or slashers, or any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird. Have in possession any instruments or appliances commonly used for dog fighting. The deliberate breeding of fighting animals.

F. Willful cruelty or unjustifiable punishment of animal(s) means a situation where any person willfully causes or permits any animals to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or cause or permits animal(s) to be placed in situations endangering animal(s).

G. Unlawful punishment or injury means a situation where any person willfully inflicts upon any animal any cruel or inhumane punishment, injury or sexual abuse. It also means injury that is inflicted by other than accidental means on animal(s) by another person.

4:22-17 Cruelty in General

a) Overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat or other abuse, or needlessly mutilate or kill a living animal or creature.

b) Cause or procure such acts to be done.

c) Inflict unnecessary cruelty upon a living animal or creature of which he has charge either as owner or otherwise, or fail to provide it with proper food, drink, shelter or protection from the weather.

4:22-18 Carrying an Animal in a Cruel Manner

To carry or cause to be carried, a living creature in or upon a vehicle or otherwise, in a cruel or inhumane manner.

4:22-20a Abandoning Disabled Animal to Die in a Public Place

4:22-20b Abandoning a Domestic Animal (Max \$1000 Fine)

The cruelty statutes above are punishable with a fine in the range of \$250 and \$1,000 and/or 6 months in jail plus 30 days community service.

4:22-24 Fighting or Baiting Animals (Third Degree Crime)

a) Keep or manage or collect money to stage fights

b) Be present, witness, pay admission to or encourage.

c) Permit or suffer a place to be used for fighting

d) For amusement, gain or cause, to allow or permit fighting or baiting an animal or living creature.

e) Own, possess, keep, train, promote, purchase, or sell a living creature for the purpose

of fighting.

f) Gamble on the outcome of a fight.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, sub-section, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

Nelson Xavier Cruz
Secretary to the Board

Introduced: July 16, 2008

Adopted: September 10, 2008