

City Clerk File No. Ord. 16.138
Agenda No. 3-U 1st Reading
Agenda No. 4-T 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.138

TITLE: **ORDINANCE AMENDING CHAPTER 90 (ANIMALS), ARTICLE IV (EXOTIC, NON-GAME, AND POTENTIALLY DANGEROUS WILDLIFE), PROHIBITING PERFORMANCES OF ANY EXOTIC ANIMAL ON ANY PUBLIC OR PRIVATE PROPERTY WITHIN THE CITY OF JERSEY CITY**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following amendments to Chapter 90 (Animals), Article IV (Exotic, Non-Game, and Potentially Dangerous Wildlife) are hereby adopted.

ARTICLE IV
Exotic, Non-Game, and Potentially Dangerous Wildlife

§90-24. Exotic animal acts, rides, performances, and traveling exhibitions prohibited

- A. The purpose of this ordinance is to protect exotic animals from cruel and inhumane treatment, and to protect the public from dangers inherent in traveling exhibitions and acts featuring exotic animals.
- B. It shall be unlawful for any person to cause or provide a performance of any exotic animal on any public or private property within the City of Jersey City.

§90-25. For purposes of this Article, the following terms shall have the following meanings:

As used herein, the following terms shall have meanings indicated:

EXOTIC ANIMAL - means any nongame species, mammal, bird, reptile, or amphibian not indigenous to New Jersey, and hybrids of such animals, whether wild-borne or captive-bred, including but not limited to the following: nonhuman primates, ursidae, felidae (nondomestic cats), elephantidae (African and Asian), cetacea, crocodilia, marsupialia, perissodactyla (rhinoceroses, tapirs, zebras, but not horses, donkeys, or mules), artiodactyla (hippopotamuses, giraffes, camels, but not cattle, swine, sheep, llama, or goats), hyaenidae, procynidae (coatis), edentate (anteaters, sloths), viverridae (mongooses, civets, genets), and pinnipedia (seals, sea lions, walruses). This term does not include domestic companion animals or agricultural livestock.

DOMESTIC COMPANION ANIMAL- means any animal that is commonly kept as a pet in family households in New Jersey, such as domestic dogs, domestic cats, guinea pigs, rabbits, and hamsters, and includes service animals and working dogs. This term excludes exotic animals and wild animals.

DOMESTIC LIVESTOCK- means cattle, horses, donkeys, swine, sheep, goats, rabbits, poultry, fowl, llama, alpaca, and farm-raised cervidae. This term excludes exotic animals and wild animals.

WILD ANIMAL- means any wild mammal indigenous to New Jersey, and hybrids of such animals, whether wild-borne or captive-bred. This term does not include domestic companion animals or domestic livestock.

PERFORMANCE - means any public showing, presentation, display, exposition, fair, act, circus, ride, trade show, petting zoo, carnival, parade, race, exhibition, or similar undertaking in which *exotic* animals are required to perform tricks, fight, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of an audience.

§90-26. Exemptions.

The following are exempt from the prohibition:

- A. Exhibitions at a non-mobile, permanent institution or facility accredited by the Association of Zoos and Aquariums or the Global Federation of Animal Sanctuaries.
- B. Outreach programs for educational or conservation purposes by a facility accredited by the Association of Zoos and Aquariums or the Global Federation of Animal Sanctuaries, if the *exotic* animal used for such purposes is not kept in a mobile or traveling housing facility for more than 12 hours a day.
- C. University, college, laboratory, or other research facilities registered by the United States Secretary of Agriculture.
- D. *All accredited educational associations.*
- E. Any exemptions approved in writing by the City's Animal Control officer for religious and/or cultural ceremonies.

§90-27. Implementation and Enforcement.

Section §90-24 shall be implemented and enforced by Jersey City Department of Health and Human Services with the support of other City departments as appropriate.

§90-28. Violations and Penalties.

Any person who violates the provisions of this Article shall be punished as provided in Chapter 1, General Provisions, §1-25.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new, therefore, underlining has been omitted. Modifications have been italicized.

9/14/16

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.138
TITLE: 3.0 AUG 17 2016 4.7, SEP 14 2016

Ordinance amending Chapter 90 (Animals) Article IV (Exotic, Non-Game and Potentially Dangerous Wildlife), prohibiting performances of any exotic animal on any public or private property within the City of Jersey City.

RECORD OF COUNCIL VOTE ON INTRODUCTION AUG 17 2016 6-2-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	ABSTAIN			YUN	✓			RIVERA	✓		
HALLANAN	✓			OSBORNE	✓			WATTERMANN		✓	
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>BOGGIANO</u> to close P.H. 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	ABSENT			YUN	✓			RIVERA	✓		
HALLANAN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BAKER
ROMEO ANDULAN
DARLENE DYNEGA
DINA TESHLOG

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY SEP 14 2016 7-0-1											
Councilperson <u>OSBORNE</u> moved to amend* Ordinance, seconded by Councilperson <u>COLEMAN</u> & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	ABSENT			YUN	✓			RIVERA	✓		
HALLANAN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSTAIN		

RECORD OF FINAL COUNCIL VOTE SEP 14 2016 7-1-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI		✓		YUN	✓			RIVERA	✓		
HALLANAN	✓			OSBORNE	✓			WATTERMANN	ABSTAIN		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 17 2016
Adopted on second and final reading after hearing on SEP 14 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 14 2016

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date SEP 14 2016

APPROVED:

Steven M. Fulop, Mayor

Date SEP 15 2016

Date to Mayor SEP 15 2016