

# Ordinance

No. 19-5 \_\_\_\_\_

## of the Borough of Carteret, N. J.

Councilman \_\_\_\_\_ Presents the following Ordinance Seconded by Councilman \_\_\_\_\_

### **AN ORDINANCE OF THE BOROUGH OF CARTERET BANNING THE SALE OF DOGS AND CATS FROM PET SHOPS ASSOCIATED WITH PUPPY AND KITTEN MILLS**

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively); and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include overbreeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

**WHEREAS**, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on the consumer; and

**WHEREAS**, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

**WHEREAS**, according to the New Jersey Department of Health Animal Intake and Disposition Survey, thousands of dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

**WHEREAS**, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS**, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

**WHEREAS**, the Mayor and Borough Council believe it is in the best interests of the Borough of Carteret to adopt reasonable regulation to reduce costs to the Borough and its residents, protect the citizens of the Borough who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare and foster a more humane environment in the Borough.

#### **Section 1. Definitions**

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means a member of the species of domestic cat, *Felis catus*.

*Dog* means a member of the species of domestic dog, *Canis familiaris*.

*Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

*Pet shop* means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

**Section 2. Restrictions on the Sale of Animals**

No pet store shall sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

**Section 3. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 4. Effective Date.**

This Ordinance shall become effective 90 days after passage.

DO NOT USE SPACE BELOW THIS LINE

**RECORD OF COUNCIL VOTE**

COUNCILMAN	YES	NO	NV	A.B.	COUNCILMAN	YES	NO	NV	A.B.
BELLINO	X				JHAL	X			
DIAZ	X				KRM	X			
DIMASCIO	X				NAPLES	X			

X - Indicate Vote    AB - Absent    NV - Not Voting    XOR - Indicates Vote to Overrule Veto

Adopted on first reading of the Council of the Borough of Carteret, N.J., on March 7, 2019

Adopted on second reading after hearing on March 21, 2019

APPROVED BY \_\_\_\_\_ MAYOR

ON 3/22/19

*Katherine M. Barney*  
MUNICIPAL CLERK