

**ORDINANCE NO. 2018 -02  
TOWNSHIP OF HOLMDEL**

**AN ORDINANCE ESTABLISHING SECTION 5-7 OF THE CODE OF THE TOWNSHIP  
OF HOLMDEL, RESTRICTING THE SALE OF CATS AND DOGS**

**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**, according to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding, 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 and misleading tactics of pet shops in some cases; and

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

**WHEREAS**, restricting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

**WHEREAS**, according to the New Jersey Department of Health 2016 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 15,000 dogs and cats are euthanized in New Jersey animal shelters annually; and

**WHEREAS**, 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; and

**WHEREAS**, 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 shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs and cats are bred; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-1 and N.J.S.A. 40:48-2, municipalities are afforded broad powers to adopt ordinances reasonably related to the public health, safety, and welfare; and

**WHEREAS**, the Township Committee believes it is in the best interests of this Township to adopt reasonable regulation to reduce costs to the Township and its residents, protect the citizens of the Township 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 Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Holmdel in the County of Monmouth, State of New Jersey that the Code of the Township of Holmdel be and is hereby amended as follows:

**SECTION 1. The following new sections are adopted:**

**5-7 RESTRICTIONS ON SALE OF CATS AND DOGS.**

**5-7.1 Definitions:**

*Animal rescue organization* means an individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

*Animal rescue facility* means the home or other facility in which an animal rescue organization houses or cares for animals.

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

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

*Offer for Sale* means to sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away, or otherwise transfer or 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.

#### 5-7.2 Restrictions on the Sale of Animals.

No pet shop may offer for sale any cats or dogs. Nothing in this section shall prohibit pet shops from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase dogs and cats in their custody or control for adoption.

#### **Section 2. 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 and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

#### **Section 3. Effective Date.**

This ordinance shall become effective 90 days after passage.

### **LEGAL NOTICE**

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on February 13, 2018 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on February 27, 2018 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Thomas Critelli, Mayor

Attest:

Wendy L Patrovich, RMC/CMR  
Deputy Township Clerk