

INTRODUCED BY K. Corcoran  
SECONDED BY P. Colao

INTRODUCTION November 1, 2016  
HEARING December 4, 2016  
ADOPTION December 6, 2016

**BOROUGH OF CLIFFSIDE PARK  
COUNTY OF BERGEN, STATE OF NEW JERSEY**

**ORDINANCE 2016-11**

**AN ORDINANCE AMENDING  
CHAPTER XII ENTITLED LICENSING OF DOGS  
AND DELETING THE BOARD OF HEALTH ORDINANCE XV  
LICENSING OF DOGS AND CATS**

**WHEREAS**, the Council does hereby amend the title of Chapter VII of the General Ordinance and Board Health Chapter XV; specifically creating Section 7.5 in Chapter VIII;

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make amend, repeal, and enforce such other ordinances, regulations, rules and by laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**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). According to The 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. These health and behavioral issues, which may not present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

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

**WHEREAS**, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations 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 2014 Animal Intake and 7 Disposition Survey, due in large part to pet overpopulation, more than 20,000 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 Borough of Cliffside Park believes it is in the best interests of this Municipality to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of 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.

**NOW, THEREFORE BE IT ORDAINED**, that Chapter 7 of the General Ordinances of the Borough of Cliffside Park, specifically "Licensing of Dogs" be amended as follows;

Chapter VII shall be renamed;                   **DOMESTIC ANIMALS**  
  Licensing of Dogs and Cats and the  
  banning the sale of dogs and cats

**7-1 LICENSING**

Section 7-1.1.b - Existing language deleted in its entirety.

Replacement Language

b. Dog means a member of the species of domestic dogs, canis familiaris.

Section 7-1.3 -Existing provision deleted in its entirety

Replacement Language

The person applying for a license and registration tag shall pay the fee of eighteen dollars (\$18.00) for each dog license if the animal is spayed or neutered. If the animal is not spayed or neutered the license and registration fee will be \$21.00. The council reserves the right to adjust the licensing fees by Resolution.

\*The remaining provisions 7-1.1 through 7-4.6 except as noted herein are re-adopted in their entirety.

**7-5 BANNING THE SALE OF DOGS AND CATS FROM PUPPY/CAT MILLS AND PET STORES**

7-5.1 Definitions.

As used int his section:

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

B. **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 insignificant part, the rescue and placement of animals in permanent homes.

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

- D. **Dog** means a member of the species of domestic dog, *Canis familiaris*.
- E. **Kennel, Pet Shop or Pound** means any business, shop, establishment, property or place which harbors, keeps or maintains five or more dogs, cats
- F. **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.

#### 7-6 ANIMAL SALE RESTRICTIONS

- 1. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
  - (a) An animal care facility; or
  - (b) An animal rescue organization.
- 2. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

\*Board of Health Ordinance XV Licensing of Cats is hereby deleted in its entirety.

#### Replacement Provision

#### 7-7 LICENSING OF CATS

- 1. **PURPOSE AND OBJECTIVES.** This provision is made and enacted to protect the public and animals from the spread of rabies to animals and humans since rabies is transmissible to humans which could result in death as a result of a bite from a rabid animal. It is the objective of this provision is to protect the public from animal related nuisances and threats to the public health, safety and welfare.
- 2. **ADOPTION OF CODE.** The Cat Licensing Code of New Jersey-187 which was approved by the State Department of Health be adopted by the Board of Health of the Borough of Cliffside Park and that hereafter an annual license must be obtained by any person who shall own, keep or harbor a cat and such person shall apply for and procure from the Board of Health a license and official metal registration tag when such cats are owned, kept or harbored and shall place upon each cat, a collar or harness with the registration tag securely fastened hereto.
- 3. **FEES AND RENEWALS.** Licenses shall be obtained during the month of January of each year. The registration fee shall be eighteen dollars (\$18.00) dollars for a spayed or neutered. The Council reserves the right to amend the license fees by Resolution.
- 4. **PROOF OF VACCINATION.** No license or registration tag shall be granted unless the owner of the cat provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians. The Vaccination must be valid for the entire licensing period.
- 5. **TIME TO APPLY.** The owner of the newly acquired cat shall apply for a license registration tag within ten days of such acquisition.
- 6. **APPLICATION ON FILE.** An application shall be completed by the owner of the cat which shall be placed on file with the board of health.
- 7. **RUNNING AT LARGE.** No cat shall at any time be permitted by the owner or harbinger to run at large in the Borough.
- 8. **IMPOUNDMENT.** The chief of police or any member of the police department or

board of health or health officer or such persons acting under their direction or the humane society or agents appointed for that purpose by the board of health shall take into custody, or cause to be taken into custody or impound, the following:

- (a) Any cat running at large
- (b) Any cat off the premises of the owner
- (c) Any cat off the premises of the owner without a collar or registration tag on its collar.

Any cat seized under the provisions of this section shall be handled, destroyed and disposed of with proper notice given as provided for by R.S. 4:19-15 .16 et seq. as amended.

- 9. **AUTHORITY TO ENTER PREMISES.** Any officer, agent or employee authorized or empowered to perform any duty under this chapter is authorized to go upon any premises to seize for impounding any cat which he may lawfully seize or impound when such officer: (a) is in immediate pursuit of such cat, except upon the premises of the owner of the cat, if the owner is present and forbids the same. (Ord. 12/8/92)
- 10. **HABITUALLY CRYING CATS.** No person shall own, keep, harbor or maintain a cat which habitually cries between the hours of 8:00 p.m. and 8:00 a.m.

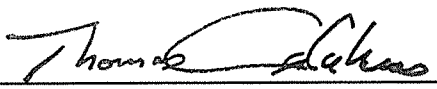
**SEVERABILITY.** If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

**REPEALER.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

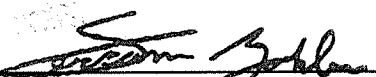
**EFFECTIVE DATE.** This ordinance shall take effect immediately upon final passage and publication as required by law.

**INTRODUCED** November 1, 2016

**ADOPTED** December 6, 2016

  
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Thomas A. Calabrese, Mayor

**ATTEST:**

  
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Sercan Zoklu, Borough Clerk