

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2484

AN ORDINANCE AMENDING CHAPTER VIII, SECTION 8 OF THE CODE
OF THE BOROUGH OF ROSELLE PARK INSERTING LANGUAGE BANNING
THE SALE OF DOGS AND CATS FROM PET SHOPS THAT COME FROM
PUPPY MILLS AND KITTEN MILLS; SPECIFICALLY TITLED, “SALE OF DOGS
AND CATS FROM ANIMAL MILLS PROHIBITED”

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 by the “puppy mills” and “kitten mills,” respectfully. 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 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 and emotional costs on the consumers; 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, 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, the New Jersey Department of health in its 2014 Animal Intake and Disposition Survey has found that due in large part to pet overpopulation, more than 16,000 dogs and cats are euthanized in New Jersey animal shelters annually, including nearly 300 in the County of Union. 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 interest of the Borough of Roselle Park to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of the Borough of Roselle Park who may purchase dogs and/or cats 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 of Roselle Park.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Roselle Park, County of Union, State of New Jersey, as follows:

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 stated mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

“Animal rescue organization” means any non-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, to offer to sell or adopt, 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.

(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 (8) weeks old.

SECTION 3. Enforcement.

Upon adoption of this Ordinance, enforcement authority is delegated to the Roselle Park Police Department, Roselle Park Deputy Code Officer and/or the Roselle Park Animal Control Authority or Animal Control Officer

SECTION 4. Violations and Penalties.

Any person violating any provision of this section shall be liable to the penalty stated in Chapter I, Section 1-5.

SECTION 5. Record Keeping

A pet shop shall maintain records stating the name and address of the animal care facility or animal rescue organization that each cat or dog was obtained from for at least two years following the date of acquisition. Such records shall be made available, immediately upon request, to Borough Police Department, Roselle Park Deputy Code Officer, and/or the Roselle Park Animal Control Authority or Animal Control Officer and submitted annually, and no later than May 1 of each year, to the Borough

Clerk's Office. Each pet shop shall display on each cage a label stating the name and address of the animal care facility or animal rescue organization of each animal kept in the cage.

SECTION 6. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 7. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 8. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 9: Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.