ORDINANCE NO. 3368
INTRODUCED BY: COMMISSIONER STEVEN L. ROGERS
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<u>ORDINANCE NO. 3368</u>

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 217, ENTITLED "ANIMALS", TO ADD ARTICLE VI, ENTITLED "SALE OF DOGS AND CATS".

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 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. 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 consumers; and

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

WHEREAS, prohibiting 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, due in large part to pet overpopulation, more than 16,816 dogs and cats are euthanized in New Jersey animal shelters annually, including nearly 2,138 in the Essex County.

Prohibiting the retail sale of puppies and kittens 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 Board of Commissioners believes it is in the best interest of this Township to adopt reasonable regulations to protect the citizens of the Township of Nutley 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 of Nutley; and

BE IT ORDAINED by the Board of Commissioners of the Township of Nutley that Chapter 217 of the Code of the Township of Nutley, entitled Animals is hereby amended to add Article VI as follows:

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Chapter 217
ANIMALS

ARTICLE VI
Sale of Dogs and Cats

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§ 217-46. 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 or rescue organizations.

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.

§ 217-47. 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 pet stores from collaborating with animal care facilities, animal rescue organizations or reputable hobby breeders to offer space for such entities to showcase adoptable dogs and cats.

§ 217-48. 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.

§ 217-49. Violations and penalties
Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed $500. This article shall be in enforced by both the Health Inspector and the Police Department of the Township of Nutley.

§ 217-50. Effective Date.

This ordinance shall become effective 90 days after passage.