

ORDINANCE NO. 2018-16

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING BOROUGH CODE CHAPTER 231: "ANIMALS" TO INCLUDE NEW ARTICLE VIII, "REGULATING THE SALE OF DOGS AND CATS AND PROHIBITING THE SALE OF CERTAIN DOGS AND CATS FROM PET SHOPS"

offered the following ordinance and moved for its adoption:

WHEREAS, a significant number of puppies and kittens sold at pet shops come from commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and

WHEREAS, the Borough of Red Bank, County of Monmouth, State of New Jersey (the "Borough") finds that current Federal and State regulations do not adequately address the sale of certain commercially bred dogs and cats in pet shops; and

WHEREAS, the Borough finds that it is in the best interests of its citizens to adopt reasonable regulations to protect those citizens who may purchase cats or dogs from a pet shop, and to also help prevent an inhumane environment within the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, that Chapter 231: "Animals" of the Borough's Revised General Ordinances is hereby amended and supplemented to add thereto the following:

ARTICLE VIII: Sale of Dogs and Cats.

§ 231-56 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

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.

OFFER FOR SALE means to sell, offer for sale or adoptions, 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 herein.

§ 231-57 Restrictions on the Sale of Dogs and Cats.

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

§ 231-57 Enforcement.

- A. Any pet shop making application to the Borough Clerk for the license required by N.J.S.A. 4:19-15.8 shall, in addition to the information required to be submitted by N.J.S.A. 4:19-15.8(a) and N.J.S.A. 4:19-15.8(b), provide the name(s) and address(es) of the animal care facilities and/or animal rescue organizations from which the applicant pet shop obtains or anticipates obtaining dogs and cats to

offer for sale within the Borough. The pet shop may be further required to provide documentation evidencing its relationship(s) with said animal care facilities and/or animal rescue organizations.

- B. Any pet shop making application to the Borough Clerk for the license required by N.J.S.A. 4:19-15.8 shall be subject to inspection by a Code Enforcement Officer of the Borough prior to the issuance and during the term of said Business License to ensure compliance with this Article and/or verify the accuracy of the information contained in the pet shop's application for a Business License.

§ 231-58 Sunrise Provision

No summonses or other process shall be issued by the Borough, nor shall any penalties be enforced by the Red Bank Municipal Court for violations of this Article, except for such violation(s) occurring on or after May 1, 2019.

§ 231-59 Penalties

Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to a penalty of not less than \$500.00 and not more than \$2,000.00 for each dog or cat offered for sale by a pet shop that was not obtained from an animal care facility or an animal rescue organization.

BE IT FURTHER ORDAINED that a copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies for their review and comment.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by _____ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: May 30, 2018