

ORDINANCE NO. 2018-02

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF RED BANK BY ADOPTING NEW ARTICLE VIII, "REGULATING THE SALE OF DOGS AND CATS AND PROVIDING FOR A PROHIBITION ON THE SALE OF CERTAIN DOGS AND CATS FROM PET SHOPS" TO BE ADDED TO CHAPTER 231, "ANIMALS"

offered the following ordinance and moved its introduction:

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 ("puppy mills" and "kitten mills", respectively); and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; 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 and which can result in exorbitant financial and emotional costs on 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 sources 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 Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually and 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 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 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 or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Governing Body finds that it is in the best interests of the Borough to adopt reasonable regulations to protect the citizens of the Municipality who may purchase cats or dogs from a pet shop; help prevent an inhumane environment in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Red Bank, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 231 "Animals" of the Code of the Borough of Red Bank, be and the same is hereby amended and supplemented to add thereto the following Article:

Article VII: Regulating the Sale of Dogs and Cats.

(i) Definitions.

The following words and terms shall have the meanings herein indicated for the purposes of the Article:

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.

(ii) 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.

SECTION TWO. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon its Passage and publication 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	()	()	()	()
Councilman Horgan	()	()	()	()

Dated: January 10, 2018