

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2612-20

AN ORDINANCE AMENDING CHAPTER 338, "RETAIL ESTABLISHMENTS" OF THE CODE OF THE BOROUGH OF ROSELLE TO RESTRICT THE SALE OF CERTAIN ANIMALS

WHEREAS, a significant number of puppies and kittens sold at pet stores come from large-scale commercial breeding facilities where the health and welfare of the animals suffer at the expense of maximizing profits ("puppy mills" and "kitten mills," respectively); and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimum veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment and lack of sanitation; and

WHEREAS, the conditions in puppy and kitten mills often lead to health and behavioral issues in the animals bred in those facilities, which may not present themselves until some time after the purchase of the animal and can impose enormous financial and emotional costs on the consumer; and

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of dogs and cats in pet stores poses. Federal oversight of the commercial breeding industry is severely lacking; and

WHEREAS, prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills; and

WHEREAS, the overwhelming majority of pet stores, both large chains and small, family-owned shops, already are in compliance with the proposed ordinance as they already do not sell dogs and cats but rather profit from selling products and offering services. In some cases, stores also collaborate with local animal shelters and rescues to host adoption events; and

WHEREAS, this ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice from a rescue organization, shelter, or responsible breeder who sells directly to the public, allowing the consumer to see the conditions under which the dogs or cats are bred; and

WHEREAS, this governing body believes it is in the best interest of this municipality to adopt reasonable regulations that reduce costs to its residents, protect citizens, help prevent inhumane breeding conditions, promote community awareness of animal welfare and foster a more humane environment in the municipality.

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

Section 1. Amendment

Chapter 338, "Retail Establishments," of the Code of the Borough of Roselle is hereby amended by adding Article III "Pet Stores."

Article III Pet Stores

§ 338-9 Definitions.

As used in this article, the following terms shall have the following definitions:

ANIMAL CARE FACILITY

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

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 significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

BREEDER

A person that maintains a dog or cat for the purpose of breeding and selling their offspring.

BROKER

A person that transfers a dog or cat from a breeder for resale by another person.

CAT

A member of the species of domestic cat, *Felis catus*.

DOG

A member of the species of domestic dog, *Canis familiaris*.

OFFER FOR SALE

To sell, offer for sale or adoption, advertise for sale, barter, auction, give away or otherwise dispose of a dog or cat.

PET STORE

A retail establishment where dogs or 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.

§ 338-10 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 or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

§ 338-11 Penalty.

A pet store that violates § 338-10 shall be subject to a civil penalty of \$500, and each dog or cat offered for sale in violation of § 338-10 shall constitute a separate violation.

Section 2. 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.

Section 3. Effective Date

This ordinance shall become effective 90 days after passage.

Recorded Vote on Introduction Ordinance No. 2612-20 – February 19, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson		x	x			
Councilman Bernier	x		x			
Councilwoman Thomas			x			
Councilwoman Sousa			x			
Councilman Fortuna			x			
Councilwoman Johnson			x			

Recorded Vote on Final Passage Ordinance No. 2612-20 – March 18, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson						
Councilman Bernier						
Councilwoman Thomas						
Councilwoman Sousa						
Councilman Fortuna						
Councilwoman Johnson						

___ Approved

___ Vetoed and returned to the Municipal Clerk with the following statement and objections:

Christine Dansereau, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2612-20 was passed and adopted on second reading and final passage at a Regular meeting of the Mayor and Council on March 18, 2020 after 6:30 p.m., 210 Chestnut Street, Roselle, NJ.

Lydia D. Massey, Acting Municipal Clerk