

ORDINANCE NO. 2016- 3

**AN ORDINANCE BANNING THE SALE OF CERTAIN DOGS AND CATS FROM
PET SHOPS WITHIN THE BOROUGH OF CHESILHURST**

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;

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;

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;

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

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;

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, including nearly 1,500 in the County of Camden. 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;

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;

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 Council of the Borough of Chesilhurst (Borough) believes it is in the best interests of the Borough to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of the Borough 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 Borough.

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 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.

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 weeks old.

Section 3. 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 4. Effective Date.

This ordinance shall become effective 90 days after passage.

ADOPTED:

BOROUGH OF CHESILHURST

Hon. Michael Blunt, MAYOR

Gloria Rose, BOROUGH CLERK

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading a regular meeting of the Borough Council of the Borough of Chesilhurst, 201 Grant Avenue, Chesilhurst, in the County of Camden, State of New Jersey, held on the 14th day of April 2016 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 12th day of May 2016 at 7:30 p.m. or as soon thereafter as this matter can be reached, at the meeting room of the Borough Hall. All persons interested shall be given an opportunity to be heard concerning this ordinance.

Prior to second reading, a copy of this Ordinance shall be posted in the Borough Hall and copies shall be made available at the Borough Clerk's office at Borough Hall to members of the general public who may request such copies.

Gloria D. Rose
Acting Borough Clerk

Dated: April 14, 2016

First Reading: April 14, 2016

Second Reading: May 12, 2016

Adopted: _____

Attest: _____
Acting Borough Clerk

ORDINANCE NO. 2016-4

ORDINANCE AMENDING CHAPTER 116 OF THE BOROUGH CODE, ANIMALS

WHEREAS Article 116 of the Code of the Borough of Chesilhurst (Borough Code) sets forth various requirements and penalties to address proper maintenance, domestication, hygiene and protective acts to advance the safety of domesticated dogs and cats;

WHEREAS the prolonged exposure of domesticated dogs and cats to extreme weather conditions presents life threatening and abusive conditions;

WHEREAS Article 116 of the Borough Code does not specifically address the requirements for handling and maintaining domesticated dogs and cats in extreme weather conditions;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Chesilhurst that the following Sections shall be added to Chapter 116 of the Borough Code as follows:

ARTICLE 116, SECTION 39: EXTREME WEATHER CONDITIONS.

- A. Extreme Weather.** In extreme weather below thirty two (32) degrees and above ninety (90) degrees, and in storms with prolonged or severe wind, rain, hail, or snow, all dogs and cats must be brought indoors whether tethered or kenneled. Indoors shall include any area of the residence that is consistently above 32 degrees or below 90 degrees, and shall have adequate ventilation. After being brought indoors, a dog or cat shall not be placed outdoors until the conditions specified in this Paragraph are no longer present.
- B.** Each failure to comply with Subsection A of this Section shall be deemed a separate offense, and each violation shall subject the violator, upon conviction, to a fine of not less than \$100 or more than \$500.

All other ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance shall take effect immediately upon final passage, approval, and publication, as provided by law.

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BOROUGH OF CHESILHURST

Hon. Michael Blunt, MAYOR

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