

ORDINANCE #16-15

ORDINANCE OF THE BOROUGH OF OAKLYN, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING ARTICLE II., PET SHOP SALES, TO CHAPTER 69, DOGS, IN THE CODE OF THE BOROUGH OF OAKLYN

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 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 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; 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, 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; 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 Borough Council believes it is in the best interests of this Borough of Oaklyn to adopt reasonable regulations to reduce costs to the Borough of Oaklyn and its residents, protect the citizens of the Borough of Oaklyn 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 of Oaklyn.

BE IT ORDAINED by the Borough Council of the Borough of Oaklyn, County of Camden, and State of New Jersey amending Chapter 69, Dogs, in the Code of the Borough of Oaklyn, as follows:

ARTICLE I. SECTION 69-11 Definitions.

ANIMAL CARE FACILITY - an animal control center or animal shelter, maintained by or under contract with any state, county, or Borough of Oaklyn, 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 in significant part, the rescue and placement of animals in permanent homes.

DOG - a member of the species of domestic dog, *Canis familiaris*.

OFFER FOR SALE - to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog .

PET SHOP - a retail establishment where dogs 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.

ARTICLE II. SECTION 69-12 Restrictions on the Sale of Animals

A. A pet shop may offer for sale only those dogs 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 that is younger than eight (8) weeks old.

ARTICLE III.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, that decision shall not affect the validity of this Ordinance as a whole or any part thereof. All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE V.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF OAKLYN

BY: _____

ROBERT FORBES, MAYOR

ATTEST:



BONNIE L. TAFT, BOROUGH CLERK

The foregoing ordinance was introduced by the Mayor and Council of the Borough of Oaklyn at its regular meeting held on November 10, 2015. This Ordinance will be considered for adoption on final reading and public hearing to be held on December 15, 2015 at 7:00 p.m. in the Council Meeting Room, Oaklyn Borough Hall, 500 White Horse Pike, Oaklyn, New Jersey.

The purpose of this Ordinance is to amend the Borough Code regarding the regulation of pet shop sales in the Borough of Oaklyn. A copy of this Ordinance is available at no charge to the general public between the hours of 8:00 AM to 4:00 PM, Monday through Thursday (Legal Holidays excluded), and between the hours of 8:00 AM to 12:00 PM, Fridays (Legal Holidays excluded), at the Office of the Borough Clerk, Oaklyn Borough Hall, 500 White Horse Pike, Oaklyn, New Jersey.

ORDINANCE #17-15

ORDINANCE OF THE BOROUGH OF OAKLYN, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING ARTICLE III., PET SHOP SALES, TO CHAPTER 55, ANIMALS, IN THE CODE OF THE BOROUGH OF OAKLYN

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 some time after the purchase of the animals, can impose 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 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; 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, 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; 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 Borough Council believes it is in the best interests of this Borough of Oaklyn to adopt reasonable regulations to reduce costs to the Borough of Oaklyn and its residents, protect the citizens of the Borough of Oaklyn 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 of Oaklyn.

BE IT ORDAINED by the Borough Council of the Borough of Oaklyn, County of Camden, and State of New Jersey adding Article III., Pet Shop Sales, to Chapter 55, Animals, in the Code of the Borough of Oaklyn, as follows:

**Article III.
Pet Shop Sales**

ARTICLE I. ARTICLE III. SECTION 55-9 Definitions.

ANIMAL CARE FACILITY - an animal control center or animal shelter, maintained by or under contract with any state, county, or Borough of Oaklyn, 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 in significant part, the rescue and placement of animals in permanent homes.

CAT - a member of the species of domestic cat, *Felis catus*.

OFFER FOR SALE - to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a cat.

PET SHOP - a retail establishment where 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.

**ARTICLE II. ARTICLE III. SECTION 55-10 Restrictions on the
Sale of Animals**

A. A pet shop may offer for sale only those 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 cat that is younger than eight (8) weeks old.


ARTICLE III.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, that decision shall not affect the validity of this Ordinance as a whole or any part thereof. All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE IV.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF OAKLYN

BY: 
_____ **ROBERT FORBES, MAYOR**

ATTEST:


_____ **BONNIE L. TAFT, BOROUGH CLERK**

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