CITY OF BEVERLY
COUNTY OF BURLINGTON

ORDINANCE 2016-5

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BEVERLY
PLACING RESTRICTIONS ON THE SALE OF DOGS AND CATS
FROM PET SHOPS LOCATED WITHIN THE CITY OF BEVERLY

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. 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 Common Council of the City of Beverly believes it is in the best interests of this Municipality to adopt reasonable regulations to reduce costs to the Municipality and its residents, protect the establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Municipality

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 organization.

Animal Rescue Organization means any not-for-profit organization which has tax-exempt status under Section 501©(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.

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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 pert 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 upon publication according to law.

<u>**NOTICE**</u>

Ordinance 2016-5 was approved upon First Reading/Introduction by the Common Council of the City of Beverly at their meeting held on May 10, 2016 at 7PM at Beverly City Hall, 446 Broad Street, Beverly, NJ 08010. Said Ordinance will come before Council for Second Reading, Public Hearing, and Adoption at Council's May 24, 2016 meeting to be held at 7PM at Beverly City Hall at the aforementioned address. Copies of said Ordinance are available for review at the Office of the Municipal Clerk, at the stated address, during regular business hours M-F, 9A-5P.

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Donna F. Snyder, RMC/CMR/CPM   Date

Municipal Clerk