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| ORDINANCE # | 19-3199 |
| Introduction Date: | 9/17/2019 |
| Hearing Date: | 10/2/2019 |
| Passage Date: | |
| Effective Date: | |

An Ordinance Amending and Supplementing the Code, Chapter X, Animal Control, to Add a New Section to Prohibit the Retail Sale of Dogs and Cats (Prohibit Retail Sale of Dogs and Cats)

Ordinance Summary: This ordinance amends and supplements Chapter 10, Animal Control, of the City of Summit Code to prohibit the retail sale of dogs and cats.

WHEREAS, Chapter 10, Animal Control, of the City Code contains regulations pertaining to the operation of kennels, pet shops, shelters and pounds in the City of Summit, and

WHEREAS, according to the Humane Society of the United States (“HSUS”), inspection records show that many USDA-licensed breeders breed dogs or cats in relatively inhumane conditions. These breeders are commonly referred to as “puppy mills” or “kitten factories.” Documented problems of “puppy mills” include: over-breeding, inbreeding, veterinary care that does not meet the same standards as other breeders, relatively poor quality of food and shelter, lack of human socialization, and overcrowded cages, and

WHEREAS, dogs bred in “puppy mills” are more likely to have behavioral and/or health problems. While “kitten factories” are not as common as “puppy mills,” similar problems are reported regarding “kitten factories;” and

WHEREAS, according to the American Society for the Prevention of Cruelty to Animals (“ASPCA”), fearful behavior and lack of socialization with humans and other animals are common characteristics of dogs from “puppy mills” and kittens from “kitten factories;” and

WHEREAS, N.J.S.A. 4:19-15.8 contemplates municipal approval as a prerequisite to the establishment of pet shops for the retail sale of dogs and cats, and

WHEREAS, the City has a responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs and cats, and

WHEREAS, the Council recognizes that not all dogs and cats retailed in pet shops are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet shops as a “puppy mill” or “kitten factory”, but wish to facilitate the reduction/elimination of the practice, and

WHEREAS, eliminating the sale of dogs and cats in retail establishments will help decrease the number of animals being housed in shelters, pounds and rescue organizations, thus reducing the cost to the public for sheltering such animals, and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat directly from a breed-specific rescue organization or shelter or from a hobby breeder where the dogs and cats are bred on-site and open to consumers;

WHEREAS, the Mayor and Council believe that a ban on the retail sale of dogs and cats will provide community awareness of animal welfare, and in turn, will encourage a more humane environment in the City, and

WHEREAS, the Common Council finds that it is in the best interests of the citizens of the City of Summit to amend and supplement Chapter 10 as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Summit, as follows:

Section 1. Chapter 10 (Animal Control) of the Code of the City of Summit is hereby amended and supplemented to read as follows:

10-1 DOGS DEFINITIONS.

As used in this Chapter:

Authorized agent shall mean the Chief of Police, or Animal Control Officer, Health Officer or other person designated by the Health Officer, or any official, Police Officer or other person designated by the Chief of Police.

Animal Care Facility shall mean any facility operated by a nonprofit humane agency, municipal agency, or any other authorized agent for the City for the purpose of impounding or caring for animals held under the authority of this Chapter or State law.

Animal Rescue Organization shall mean an individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

Animal Rescue Organization Facility shall mean the home or other facility in which an animal rescue organization houses and cares for an animal.

Cat shall mean any cat.

Cat of licensing age shall mean any cat which has attained an age of seven (7) months.

Dog shall mean any dog, bitch or spayed bitch.

Dog of licensing age shall mean any dog which has attained an age of seven (7) months or which possesses a set of permanent teeth.

Kennel shall mean any establishment wherein or whereon the business of boarding or selling dogs or cats or breeding dogs or cats for sale is carried on, except a pet shop. A kennel shall also mean any establishment where wherein or whereon an owner boards his dog or cat, or any other animal, for the day, commonly referred to as "doggie day care."

Groomer shall mean an individual or establishment that engages in animal grooming which is defined as the act of bathing, brushing, clipping or styling an animal.

Owner when applied to the proprietorship of a dog shall include every person having a right of property in that dog and every person who has that dog in his keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, shall include a having a right of property in that animal and every person who has that animal in his keeping.

Pet shop or pet stores shall mean any place of business wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes. Such definition shall not include an animal care facility, animal rescue organization, kennel, or groomer as defined herein.

Pet Shop Operator or Pet Store Operator shall mean a person who owns or operates a pet shop or pet store, or both.

Pound shall mean an establishment for the confinement of dogs or cats seized either under the provisions of this chapter or otherwise.

Shelter shall mean any establishment where dogs or cats are received, housed and distributed without charge.

The words "and" and "or" may be used interchangeably and either of the two may be applicable, whichever is more conducive towards the effectuating of this chapter.

10-12 DOGS.

§ 10-1.1 Definitions.

As used in this section:

~~Authorized agent shall mean the Chief of Police, or Animal Control Officer, Health Officer or other person designated by the Health Officer, or any official, Police Officer or other person designated by the Chief of Police.~~

~~Dog shall mean any dog, bitch or spayed bitch.~~

~~Dog of licensing age shall mean any dog which has attained an age of seven (7) months of which possesses a set of permanent teeth.~~

~~Kennel shall mean any establishment wherein or whereon the business of boarding or selling dogs or cats or breeding dogs or cats for sale is carried on, except a pet shop.~~

~~Owner when applied to the proprietorship of a dog, shall mean a resident of the City of legal age and include every person who has such a dog in his keeping.~~

~~Pet shop shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs, cats or other animals for sale are kept or displayed.~~

~~Pound shall mean an establishment for the confinement of dogs or cats seized either under the provisions of this chapter or otherwise.~~

~~Shelter shall mean any establishment where dogs or cats are received, housed and distributed without charge.~~

~~The words "and" and "or" may be used interchangeably and either of the two may be applicable, whichever is more conducive towards the effectuating of this chapter.~~

10-2.1 Reserved.

10-~~12~~.2 License Required.

10-~~12~~.3 License Fee; Exemption from Fees for Seeing Eye Dogs.

10-~~12~~.4 Application for License.

10-~~12~~.5 Application Information.

10-~~12~~.6 Dogs Brought Into the City; Licensing Requirements.

10-~~12~~.7 Removal of Registration Tag Prohibited.

10-~~12~~.8 Damage to Shrubs or Trees Prohibited; Pooper-Scooper Regulations.

10-~~12~~.9 Running at Large Prohibited.

10-12.10 Impounding.

10-12.11 Authorization for Dog Control Officer to Go on Property in Pursuit of Dog.

10-12.12 Hindering Animal Control Officer Prohibited.

10-12.13 Crying or Barking Dogs.

10-12.14 Vicious Dogs.

10-12.15 Disposition of Fees.

10-12.16 Canvass of Dogs.

10-12.17 Licensing of Kennels, Pet Shops and Pounds.

10-12.18 List of Kennels, Pet Shops, Shelters and Pounds to State Department of Health.

10-12.19 Penalty.

a. Any person who violates or refuses to comply with any part of the following subsections, namely: 10-12.2; 10-12.4; 10-12.6, 10-12.7, 10-12.13, 10-12.17 a., b., c. and e. or with the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds to preserve sanitation therein and prevent the spread of rabies and other diseases within and from such establishments, shall be liable to a penalty of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each offense, to be recovered by and in the name of the City, except that for the first offense in cases of violation of subsections 10-12.2, 10-12.3, 10-12.4 and 10-12.6, the penalty shall be not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars to be recovered in the same manner.

b. Any person who violates or refuses to comply with any part of any of the following subsections, namely: 10-12.8, 10-12.9, 10-12.13, 10-12.14 and 10-12.20 shall be liable to a penalty of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each offense, to be received by and in the name of the City.

10-12.20 Violations by Minors.

10-23 CATS.

10-23.1 Definitions: Reserved.

As used in this section:

~~Authorized agent shall mean the Chief of Police or Animal Control Officer, Health Officer or other person designated by the Health Officer or any official, Police Officer or other person designated by the Chief of Police.~~

~~Cat shall mean any cat.~~

~~Cat of licensing age shall mean any cat which has attained an age of seven (7) months.~~

~~Kennel shall mean any establishment wherein or whereon the business of boarding or selling dogs or cats or breeding dogs or cats for sale is carried on, except a pet shop.~~

~~Owner, when applied to the proprietorship of a cat, shall mean a resident of the City of legal age and include every person who has such a cat in his keeping.~~

~~Pet shop shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs, cats or other animals for sale are kept or displayed.~~

~~Pound shall mean an establishment for the confinement of dogs or cats seized either under the provisions of this section or otherwise.~~

~~Shelter shall mean any establishment where dogs or cats are received, housed and distributed without charge.~~

~~The words "and" and "or" may be used interchangeably and either of the two (2) may be applicable, whichever is more conducive towards the effectuating of this section.~~

10-23.2 License for Cats Required.

10-23.3 License Fee; Rabies Inoculation Required.

10-23.4 Application for Cat License.

10-23.5 Cats Licensed in Another State; Unlicensed Cats from Out-of-State.

10-23.6 Removal of Registration Tag Prohibited.

10-23.7 Exceptions to License Requirement.

10-23.8 Disposition of Fees.

10-23.9 Impounding of Cats; Notice to Owner.

10-23.10 Authorized Agent Empowered to go Upon Any Premises to Seize Cats; Exception.

10-23.11 Hindering Authorized Agent Prohibited.

10-23.12 Owners to Prohibit Cats from Becoming a Nuisance.

10-23.13 Prohibiting Injury to Person, Lawn or Shrubbery.

10-23.14 Violations; Penalty.

10-4 RETAIL SALE OF DOGS AND CATS.

§ 10-4.1 Prohibited acts; exceptions.

- A. No pet shop, pet shop operator, pet store, pet store operator, may sell, offer for sale, barter, auction, breed or otherwise dispose of dogs and cats in the City of Summit. Nothing in this section shall prohibit pet stores or pet shops from collaborating with animal care facilities, animal rescue organizations, pounds, or shelters to offer space for such entities to showcase adoptable dogs and cats. A pet shop or pet store shall maintain records stating the name and address of the animal care facility, animal rescue organization, pound or shelter from which each cat or dog was obtained for at least two years following the date of acquisition. Such records shall be made available, immediately upon request, to the police department and submitted annually, and no later than May of each year, to the City Clerk's office. Each pet shop or pet store shall display on each cage a label stating the name and address of the animal care facility, animal rescue organization, pound or shelter of each animal kept in the cage.

- B. Nothing contained herein shall prohibit an animal care facility, animal rescue organization, pound, or shelter from keeping, displaying, making available for adoption or otherwise transferring any dog, cat, or both, that has been seized, rescued, or donated.

§ 10-4.2 Violations; Penalties.

Any person who violates or refuses to comply with any part of Section 10-4.1 shall be liable to a penalty of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each offense.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication as required by law.

(Last additions in text indicated by underline; deletions by ~~striketrough~~)

Dated:

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on

Approved:

Mayor

City Clerk