

## ORDINANCE 2017

### AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 115, ARTICLE I, ANIMALS, AMENDING DEFINITIONS, ADDING PROHIBITING THE SALE OF DOGS AND CATS THAT COME FROM PUPPY AND KITTEN MILLS IN PET SHOPS

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 2015 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 16,000 dogs and cats are euthanized in New Jersey animal shelters annually, including over 1,000 in the County of Monmouth. 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 Mayor and Council believes it is in the best interest 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, shop prevent inhumane breeding conditions; promote community awareness of animal welfare, and foster a more humane environment in the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth and State of New Jersey that Chapter 115 of the Borough Code entitled “Animals” is hereby amended and supplemented (Sale of Dogs and Cats); and

BE IT FURTHER ORDAINED that Chapter 115, “Animals” shall be amended and supplemented Article I pertaining to the regulation the sale of dogs and cats as follows:

115-1a. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

CAT - a member of the species of domestic cat, *Felis catus* (all cats over the age of six months).

DOGS - a member of the species of domestic dog, *Canis familiars* (any dog, bitch or spayed bitch).

DOG OF LICENSING AGE - any dog which has attained the age of seven months or which possesses a set of Permanent teeth

DWELLING UNIT – a house, apartment, store or other building, whether or not used or designated for use as a dwelling.

FAMILY GROUP - the family group occupying one dwelling unit

KEEPER – any person exercising control over a dog/cat or permitting a dog/cat to remain on premises under his control.

OWNER – when applied to the proprietorship of a dog, shall mean and include every person having a right of property in such dog/cat and every person who has such dog in his keeping.

VICIOUS DOG – includes any dog which has been declared by judicial authority to be a vicious dog, or which has attacked any human being, or which habitually attacks other dogs or domestic animals.

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 animals in permanent homes or rescue organizations.

ANIMAL RESUCE ORGANIZATION - a 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.

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 or cat.

PET SHOP 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.

115-1b. Restrictions of 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.

This ordinance shall take effect on its final passage and publication according as provided by law.

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KELLY BARRETT  
Acting Municipal Clerk

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GARY ENGELSTAD  
Mayor

Introduced: January 10, 2017  
Date and Hearing Adoption