

BOROUGH OF HIGHLAND PARK
ORDINANCE NO. 19-1990

AN ORDINANCE TO AMEND CHAPTER 114 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010" TO ENACT A NEW ARTICLE IV TO PROHIBIT THE SALE OF DOGS OR CATS FROM "PUPPY MILLS"

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. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose financial and emotional costs on consumers.

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 Animal Intake and Disposition Survey, thousands of 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.

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 shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs and cats are bred or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, this governing body believes it is in the best interests of the Borough to adopt reasonable regulations to reduce costs to 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.

NOW, THEREFORE, IT IS ORDAINED by the Highland Park Borough Council, Middlesex County as follows:

Chapter 114 of "Code of the Borough of Highland Park, 2010", Chapter 14 is amended by adding thereto the following new Article IV, which shall read as follows:

Article IV. Restriction on Sale of Cats and Dogs by Pet Shops.

1. Section 114-38. Definitions:

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

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.

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 a species of domestic cat, *Felis catus*.

DOG means a member of a 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.

2. Section 114-39. Restrictions on the Sale of Animals. No pet store shall sell, deliver or offer for sale, barter, auction, give away or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet shops from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

3. Section 114-40. Record Keeping and Disclosure. A pet shop shall maintain records, stating the name and the address of the animal care facility or animal rescue organization that each cat or dog was obtained from for at least two years following the date of acquisition. Such records shall be made available, immediately upon request, to the Borough of Highland Park Police Department and submitted annually, and no later than May of each calendar year, to the Clerk of the Borough of Highland Park. Each pet shop shall display on each cage a label stating the name and address of the animal facility or animal rescue organization of each animal kept in the cage.

4. *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 effect 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.

5. This Ordinance shall take effect upon passage and publication as provided for by law.

Introduced on first reading
by title: October 29, 2019

ADOPTED:

ATTEST:

APPROVED:

Jennifer Santiago, Deputy Clerk

Gayle Brill Mittler, Mayor