

13-22

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 387-1, "DEFINITIONS; WORD USAGE", SECTION, 387-5, "REQUIREMENTS FOR KENNELS, PET SHOPS, SHELTERS AND POUNDS", AND SECTION 387-8, "PROHIBITED ACTIONS", OF CHAPTER 387, "DOG LICENSING AND CONTROL" OF THE CODE OF THE TOWNSHIP OF NORTH BRUNSWICK, TO BAN THE SALE OF DOGS FROM PET SHOPS IN THE TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY

WHEREAS, according to the Humane Society of the United States ("HSUS") inspection records show that many USDA-licensed breeders breed dogs or cats in inhumane conditions. These breeders are commonly referred to as "puppy mills" and documented problems include: overbreeding; inbreeding; veterinary care that doesn't 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 behavior and/or health problems, and, 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

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 Township Council of the Township of North Brunswick ("Township Council") finds that, in addition to State and Federal laws, the Township of North Brunswick has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs; and

WHEREAS, although the Township Council recognizes that not all dogs retailed in pet shops are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs to pet shops as a "puppy mill", it is the Township Council's belief that puppy mills continue to exist in part because of public demand for the sale of dogs in pet shops; and

WHEREAS, the Township Council believes that a ban on the retail sale of dogs in pet shops in North Brunswick will encourage pet owners and prospective pet owners to adopt needy dogs from animal shelters, thereby saving animals' lives and reducing the cost to the public for sheltering such needy animals; and

WHEREAS, the Township Council believes that a ban on the retail sale of dogs in pet shops will provide community awareness of animal welfare, and, in turn, will encourage a more humane environment in North Brunswick and will be in the best interests of the public health, welfare and safety and be in the best interests of the dogs of North Brunswick.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that Section 387-1, Definitions; Word Usage, of Chapter 387, Dog Licensing and Control, of the Code of the Township of North Brunswick, be and is hereby amended and supplemented to revise the definition of "Pet Shop" and to include definitions for "Pet Shop Operator", as follows:

§387-1. Definitions; Word Usage.

§387-1(A) shall remain unchanged and in full force and effect, except that the definition of "Pet Shop" shall be amended as follows:

PET SHOP – A retail establishment open to the public and engaging in the business of selling dogs or cats or both, at retail. Any person who sells, exchanges, or otherwise transfers only animals that were bred and reared on the premises owned by the person shall be considered a breeder and not a pet store.

And a new definition, "Pet Shop Operator", shall be adopted, as follows:

PET SHOP OPERATOR – Means a person who owns or operates a pet store, or both.

§387-1(B) shall remain unchanged and in full force and effect.

BE IT FURTHER ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that Section 387-5, Requirements for Kennels, Pet Shops, Shelters and Pounds of Chapter 387, Dog Licensing and Control of the Code of the Township of North Brunswick, be and is hereby amended and supplemented forbid the sale of dogs in Pet Shops as follows:

§ 387-5 Requirements for kennels, pet shops, shelters and pounds.

A. License. Any person who keeps or operates or proposes to establish a kennel, [A PET SHOP], a shelter or a pound shall apply to the office of the Clerk of the Township of North Brunswick for a license entitling him to keep or operate such establishment.

B. Application. The application for a kennel, [A PET SHOP], shelter or pound license shall describe the premises where the establishment is located or is proposed to be located and the purpose for which it is to be maintained. The application shall be accompanied by the written approval of the Animal Control Officer of the Township showing compliance with the local and state rules and regulations governing the location of any sanitation at such establishment.

C. Content of license; expiration. All licenses for a kennel, [PET SHOP], shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of January of the following year.

D. Individual dog licenses; transferability. Any person holding a license for a kennel, shelter or pound shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishment. Such license shall not be transferable to another owner of different premises.

E. Fees. The annual license fee for a kennel providing accommodations for 10 or fewer dogs shall be \$20 and for more than 10 dogs shall be \$25. [THE ANNUAL LICENSE FEE FOR A PET SHOP SHALL BE \$20]. No fee shall be charged for a shelter or a pound.

F. Control of dogs allowed off premises. No dog kept in a kennel, shelter or pound shall be permitted off such premises, except on a leash or in a crate or other safe control.

G. No pet shop or pet shop operator shall sell, offer for sale, barter, auction, breed or otherwise improperly sell or dispose of dogs in the Township of North Brunswick. Nothing contained herein shall prohibit a shelter, pound or other establishment from keeping, displaying, selling or otherwise transferring any dog that has been seized, rescued or donated; and

BE IT FURTHER ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that Section 387-8, Prohibited Actions of Chapter 387, Dog Licensing and Control of the Code of the Township of North Brunswick, be and is hereby amended and supplemented to forbid the sale of dogs in Pet Shops by the adoption of a new §§387-8(K) as follows:

§387-8. Prohibited Actions.

§387-8 (A) through (J) shall remain unchanged and in full force and effect and a new §387-8(K) shall be adopted as follows:

K. No pet shop or pet shop operator shall sell, offer for sale, barter, auction, breed or otherwise improperly sell or dispose of dogs in the Township of North Brunswick. Nothing contained herein shall prohibit a shelter, pound or other establishment from keeping, displaying, selling or otherwise transferring any dog that has been seized, rescued or donated.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

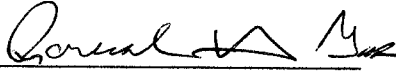
BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

TITLE

This Ordinance shall be known and may be cited as the Ordinance Amending and Supplementing Chapter 387, Dog Licensing and Control of the Code of the Township of North Brunswick, to ban the sale of dogs from pet shops.

Robert Lombard
Business Administrator



Ronald H. Gordon, Esq.
Township Attorney
Approved as to legal form

RECORDED VOTE FIRST READING

10-7-13

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
NARRA	✓			
NICOLA	A			
ANDREWS 2	✓			
CORBIN 1	✓			
SOCIO	✓			
DAVIS	A			
MAYOR WOMACK				


RECORDED VOTE SECOND READING

10-21-13

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
NARRA	✓			
NICOLA	A			
ANDREWS 1	✓			
CORBIN	✓			
SOCIO 2	✓			
DAVIS	✓			
MAYOR WOMACK				

CERTIFICATION

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on 10-21, 2013.



Lisa Russo, Township Clerk

#13-22

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication in accordance with applicable law.

- APPROVED
- REJECTED



Francis Womack, Mayor
Township of North Brunswick

Date signed: 10/21, 2013