

Borough of Tenafly

ORDINANCE NO. 22-22

AN ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING CHAPTER 5 ANIMAL CONTROL, OF THE CODE OF THE BOROUGH OF TENAFLY TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL PET STORES

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Tenafly, in the County of Bergen and State of New Jersey, that:

SECTION 1. Chapter 5-1 Definitions of the Code of the Borough of Tenafly is hereby amended by inserting the text **underlined and marked in bold and deleting bolded text [enclosed in brackets and crossed out]** to read as follows:

§ 5-1. DEFINITIONS.

As used in this chapter:

ANIMAL CONTROL OFFICER

Shall mean the certified municipal Animal Control Officer or, in the absence of such an officer, the Chief of Police of the Borough or his designee.

ANIMAL HOSPITAL

Shall mean any place where dogs, cats or other domestic animals, belonging to anyone other than the owner, tenants or occupant of such place, are for hire, kept, maintained or harbored for observation or treatment.

ANIMAL RESCUE ORGANIZATION

Shall mean a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. "Animal rescue organization" does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

ANIMAL SHELTER

Shall mean a facility, whether located in or outside the State of New Jersey, that is operated by or under contract with the Borough for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.

CAT

Shall mean any member of the domestic feline species; male, female, or altered.

CAT OF LICENSING AGE

Shall mean any cat which has attained the age of seven months.

DEPARTMENT

Shall mean the Department of Health.

DOG

Shall mean any dog or dog hybrid; male, female, spayed or neutered (altered).

DOG OF LICENSING AGE

Shall mean any dog which has attained the age of seven months or which possesses a set of permanent teeth.

DOMESTIC ANIMAL

Shall mean any cat, dog or livestock other than poultry.

KENNEL

Shall mean any establishment or premises where four or more dogs and cats are kept, maintained or harbored; or where the business of boarding, selling or breeding dogs is carried on, except a pet shop.

LICENSING OFFICIAL

Shall mean the Registrar of Vital Statistics or any other person appointed by the Borough Council.

OWNER

When applied to the proprietorship of a dog or cat shall mean and include every person having a right of property in a dog or cat and every person who has that dog or cat in his/her keeping.

PANEL

Shall mean any panel selected pursuant to subsection 5-13.4.

[PET SHOP]

Shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs or cats for sale are kept or displayed.]

POTENTIALLY DANGEROUS DOG

Shall mean any dog or dog hybrid declared potentially dangerous by the panel pursuant to subsection 5-13.6.

[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 and cats are received, housed

~~and distributed without charge.]~~

RETAIL PET STORE

Shall mean a commercial establishment that sells or offers for sale animals on its premises at retail.

SELL OR OFFER FOR SALE

Shall mean to display for sale or to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

VICIOUS DOG

Shall mean any dog or dog hybrid declared vicious by the panel pursuant to subsection 5-13.5.

SECTION 2. Chapter 5-3 Kennels of the Code of the Borough of Tenafly is hereby renamed to “Kennels, Animal Hospitals and Retail Pet Shops” and further amended by inserting the text **underlined and marked in bold and deleting bolded text [enclosed in brackets and crossed out]** to read as follows:

§ 5-3. ~~[KENNELS]~~ KENNELS, ANIMAL HOSPITALS AND RETAIL PET SHOPS.

§ 5-3.1. License to Operate Required; Issuing Authority.

Any person who keeps or operates or proposes to establish a kennel, an animal hospital, a ~~[pet shop, a shelter or a pound]~~ **retail pet store or an animal shelter** shall apply to the Animal Control Officer or other person designated by the Mayor and Borough Council to license dogs and cats, for a license entitling him/her to keep or operate such establishment.

§ 5-3.2. Application Contents; Expiration; Board of Health Approval; Revocation.

The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the Health Officer of the Board of Health showing compliance with the local and State rules and regulations governing location of and sanitation at such establishments.

All licenses issued for a kennel, animal hospital, ~~[pet shop, shelter or pound]~~ **retail pet store or an animal shelter** shall state the purpose for which the establishment is maintained. All such licenses shall expire on January 1 annually, and be subject to revocation by the Borough Council on recommendations of the State Department of Health or the Board of Health of the Borough for failure to comply with the rules and regulations of the State Department of Health or the Borough Board of Health governing the same after the owner has been afforded a hearing by either the State Department of Health or the Borough Board of Health.

§ 5-3.3. Licensees Exempt from Obtaining Individual Licenses for Animals.

Any person holding such license shall not be required to secure individual

licenses for dogs or cats owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

§ 5-3.4. Proximity to Residences.

No such kennel, animal hospital, ~~[pet shop, shelter or pound]~~ **retail pet store or an animal shelter** shall be operated or maintained in the Borough and no license shall be granted therefor, wherein any dog, cat or any other animal may be kept or harbored in any building or other place the nearest point of which building or other place shall be within 500 yards of any residence containing sleeping quarters occupied as such in the Borough except by the owner or operator thereof.

No such kennel, animal hospital, ~~[pet shop, shelter or pound]~~ **retail pet store or an animal shelter** shall be operated or maintained in a Residential or Apartment District as defined in Article VIII, Zoning of Chapter 35, Land Development Regulations.

§ 5-3.5. Maintenance of Property; Inspection.

Every such kennel, animal hospital, ~~[pet shop, shelter or pound]~~ **retail pet store or an animal shelter** shall be subject to such reasonable rules and regulations thereto as may be prescribed by the Governing Body. Any premises so used and all buildings and enclosures thereon shall be kept clean and sanitary. All animal carcasses shall be immediately and properly disposed of, and shall not be buried within the Borough limits. Any Health Officer or Police Officer of the Borough shall have the right, at any reasonable hour in the day or night time, to enter into the premises and any buildings and enclosures thereon, and to make such examination thereof as he shall deem proper.

§ 5-3.6. License Fees for Kennels, Animal Hospitals ~~[and Pet Shops]~~.

The annual license fees for kennels, animal hospitals ~~[and pet shops]~~ and retail pet stores shall be established by Board of Health ordinance.

§ 5-3.7. Dogs to be Kept Under Control.

No dog kept in a kennel, animal hospital, ~~[pet shop, shelter or pound]~~ **retail pet shop or animal shelter** shall be permitted off such premises, except on leash or in a crate or other safe control.

§ 5-3.8. Prohibition on Sale of Dogs or Cats by Retail Pet Stores, Penalty for Violation.

A. Notwithstanding any other provision of law to the contrary, it is unlawful for a retail pet store, as defined in § 5-1, to sell or offer for sale a dog or a cat.

B. Nothing in this section shall be construed to prohibit a retail pet store from providing space to an animal rescue organization or an animal shelter, as defined in Section A, to publicly showcase dogs or cats available for adoption.

C. A retail pet store that sells or offers for sale a dog or cat in violation of this section shall be fined by a sum of \$500. Each sale or offer for sale in violation of this section shall constitute a separate offense.

SECTION 3. Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 4. All other ordinances, codes or parts thereof that are in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Borough ordinances, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Borough's ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. This Ordinance shall take effect upon passage and publication as required by law.

INTRODUCED: September 20, 2022

ADOPTED:

ATTEST:

APPROVED:

Omar Stovall,
Borough Clerk

Mark Zinna, Mayor