

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE INTRODUCTION

The Ordinance published herewith was introduced and passed upon first reading at a regular meeting of the Governing Body of the Borough of Eatontown, NJ held Wednesday, August 10, 2016. It will be further considered for final passage after a public hearing thereon at a meeting of the Governing Body to be held at the Municipal Building, 47 Broad St, Eatontown, NJ 07724 on Wednesday, September 14, 2016 at 7:30 pm or as soon thereafter. Copies are available to general public who shall request such copies at the office of the Borough Clerk and at the Borough website, www.eatontownnj.com under Public Notices.

By Order of the Mayor and Council of the Borough of Eatontown.

Julie Martin, RMC, Borough Clerk

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ORDINANCE NO. 09-2016

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 97 (ANIMALS) BY CREATING ARTICLE VI, (SALE OF DOGS AND CATS) WHICH PROHIBITS THE SALE OF DOGS AND CATS THAT COME FROM PUPPY AND KITTEN MILLS IN PET SHOPS IN THE BOROUGH OF EATONTOWN, MONMOUTH COUNTY, STATE OF NEW JERSEY

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 Borough 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 Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 97 of the Borough Code entitled “Animals” is hereby amended and supplemented to include Section VI (Sale of Dogs and Cats); and

BE IT FURTHER ORDAINED that Chapter 97, “Animals” shall be amended and supplemented to create “Article VI” pertaining to the regulation the sale of dogs and cats as follows:

ARTICLE VI. (SALE OF DOGS AND CATS)

§97-30. Definitions

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 or rescue organizations.

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 the species of domestic cat, *Felis catus*.

Dog means a member of the 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.

§97-31. 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.

§97-32. 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 affect 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.

§97-33. Effective Date.

This Ordinance shall become effective 90 days after passage.