

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 16 040

1ST READING August 16, 2016

DATE TO MAYOR September 21, 2016

2ND READING & PUBLIC HEARING September 20, 2016

DATE RESUBMITTED TO COUNCIL _____

WITHDRAWN _____ LOST _____

DATE EFFECTIVE October 12, 2016

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES,
HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 22, ANIMALS, ARTICLE II, DOGS,
SECTION 22-33, PET SHOPS, KENNELS, SHELTERS AND POUNDS**

WHEREAS, the Township of Hamilton ("Township") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Mercer County; and

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 overbreeding; 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 mills facilities lead to health and behavioral issues in the animal bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both lack of education on the issue and misleading tactics of some pet shops in some cases. These health behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional cost 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 shelters and rescue organizations; and

WHEREAS, according to the NJ Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 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 the local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with the 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

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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 dog or cat are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Council of the Township of Hamilton believes it is in the best interests of this municipality to adopt reasonable regulations to reduce costs to the municipality and its residents, protect the citizens of the municipality 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 within the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

Now, Therefore, Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the Code of Ordinances of Hamilton Township, New Jersey, Chapter 22, Animals, Article II, Dogs, Section 22-33, Pet Shops, Kennels, Shelters and Pounds, be amended and supplemented as follows:

Chapter 22

ANIMALS

ARTICLE II - DOGS

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Sec. 22-33. Pet shops, kennels, shelters and pounds.

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(i) Certain sales prohibited.

(1) Definitions: When used in this subsection, the following terms shall have the following meanings:

ANIMAL CARE FACILITY shall mean 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 animal rescue organizations.

ANIMAL RESCUE ORGANIZATION shall mean any not-for-profit organization which has been granted tax exempt status under section 501(c)(3) of the United States Internal Revenue Code and whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

CAT shall mean a member of the species of domestic cat, Felis Catus.

DOG shall mean a member of the species of domestic dog, Canis Familiaris.

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OFFER FOR SALE shall mean 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 shall mean 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) Restrictions on the Sale of Animals

a. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- (i) An animal care facility; or
- (ii) An animal rescue organization.

b. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

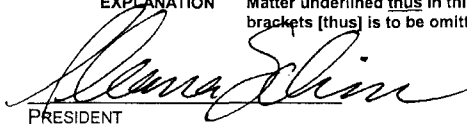
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 All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.____

This Ordinance shall take effect upon passage and publication according to law.

EXPLANATION Matter underlined thus in this legislation is new matter. Matter contained in brackets [thus] is to be omitted from the law.


 PRESIDENT


 MUNICIPAL CLERK

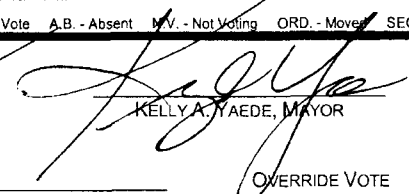
RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
DAVID J. KENNY	✓	✓				✓	DAVID J. KENNY	✓					
DENNIS A. PONE	✓	✓					DENNIS A. PONE	✓					✓
RALPH V. MASTRANGELO	✓				✓		RALPH V. MASTRANGELO	✓	✓			✓	
EDWARD R. GORE					✓		EDWARD R. GORE	✓					
ILEANA SCHIRMER	✓						ILEANA SCHIRMER	✓					

X - Indicates Vote A.B. - Absent NV - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

APPROVED _____

RECONSIDERED BY COUNCIL _____


 KELLY A. YAEDE, MAYOR

9.22.10
 DATE

OVERRIDE VOTE AYE _____ NAY _____