

ORDINANCE NO. 806

AN ORDINANCE PROHIBITING THE RETAIL SALE OF DOGS AND CATS IN PET SHOPS IN THE BOROUGH OF HOPEWELL BY ADDING A NEW SECTION 6-14, WITHIN CHAPTER VI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HOPEWELL, 1975, ENTITLED "ANIMALS"

BE IT ORDAINED by the Mayor and Council of the Borough of Hopewell, County of Mercer, State of New Jersey, as follows:

Section One. Chapter VI of the "Revised General Ordinances of the Borough of Hopewell, 1975," entitled "Animals," is hereby amended by inserting a new section 6-14 as follows:

6-14 Prohibition of the Sale of Dogs and Cats in Pet Shops within the Borough of Hopewell

6-14.1 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.

6-14.2. Restrictions on the Sale of Animals.

No pet shop shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

Section 2. Exceptions.

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 observe the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions.

Section 3. Violations and Penalties.

- a. The operator of any establishment convicted for violating the terms of this Ordinance shall be subject to the following fines:

1. First offense - \$100.00, per animal, sold or offered to be sold.
2. Second or subsequent offenses - \$500.00, per animal sold or offered to be sold.
3. In the event of a second or subsequent conviction for this offense, the court may require the establishment to cease all retail operations until such time as all animals in custody are relocated to an animal care facility or animal rescue organization.

Section 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 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.

Section 5. Effective Date.


This ordinance shall become effective after final passage and publication in accordance with State law.

INTRODUCED: July 6, 2017
 PASSED ON FIRST READING: July 6, 2017
 PUBLISHED: July 21, 2017
 ADOPTED: August 3, 2017
 INTRODUCED BY: Ms. Lehman

ATTEST:



 Michele Hovan
 Borough Administrator/Clerk



 C. Schuyler Morehouse
 Council President

ROLL CALL VOTE				
COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
FOSEL	✓			
LEHMAN	✓			
LEWIS				✓
MACKIE	✓			
MOREHOUSE	✓			
TEWELL	✓			