

**AN ORDINANCE OF
THE TOWN OF SECAUCUS, NEW JERSEY**

ORDINANCE NO. 2017-4

**AN ORDINANCE AMENDING CHAPTER 67 OF THE CODE OF THE
TOWN OF SECAUCUS ENTITLED "ANIMAL CONTROL" UNDER
ARTICLE II RESTRICTING THE SALE OF CATS AND DOGS BY
PET SHOPS UNLESS FROM SHELTER OR RESCUE ORGANIZATIONS**

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, more than 16,000 dogs and cates were euthanized in New Jersey, including over 100 in the County of Hudson. 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 Mayor and the Town Council believe it is in the best interest of the Town of Secaucus to adopt reasonable regulations to reduce costs to the Town and its residents, protect the citizens 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 in the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that the following provisions be added to the Code of the Town of Secaucus in Chapter 67 "Animal Control" under Article II "Kennels, Pet Shops, Shelters or Pounds:"

§ 67-____ **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 a 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.

§ 67-____ **Restrictions on 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 a cat that is younger than eight (8) weeks old.

§ 67-___ **Enforcement.**

This Article shall be enforced by the Town of Secaucus Police Department, Animal Control Officers and the Board of Health or their designee(s). Failure to comply with the regulations established may result in the issuance of a summons in accordance with this Article.

§ 67-___ **Penalties for Violations.**

Any person violating any of the provisions of this Article shall be subject to a fine not in excess of two thousand dollars (\$2,000.00) for each violation and/or imprisonment for not more than ninety (90) days.

§67-___ **Repealer.**

All ordinances or parts of ordinances inconsistent or in conflict with this Article are hereby repealed as to said inconsistencies or conflicts.

§67-___ **Severability.**

If any provision or portion of a provision of this Article is held to be unconstitutional, preempted by federal or state law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Article and Chapter shall not be invalidated.

There are no other changes to this Chapter of the Code of the Town of Secaucus.

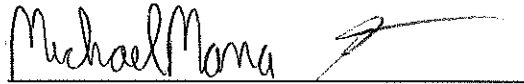
All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective.

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

IT IS FURTHER ORDAINED that the remainder of this Chapter 67 of the Code of the Town of Secaucus shall remain in full force and effect.

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of an ordinance introduced and passed on first reading on February 28, 2017, and finally adopted by the Mayor and Council on March 28, 2017.



Town Clerk

Mayor

Introduction 2-28-17

Motion: SP	Yes	No	Abstain	Absent
Second: GJ				
Councilman Costantino	✓			
Councilman McKeever	✓			
Councilman Clancy	✓			
Councilwoman Pirro	✓			
Councilman Dehnert	✓			
Councilman Gerbasio	✓			
Mayor Gonnelli	✓			

Adoption 3-28-17

Motion: JC	Yes	No	Abstain	Absent
Second: JG				
Councilman Costantino	✓			
Councilman McKeever	✓			
Councilman Clancy	✓			
Councilwoman Pirro	✓			
Councilman Dehnert	✓			
Councilman Gerbasio	✓			
Mayor Gonnelli	✓			