

FIRST READING:

ORD NO: 62-40

2nd & FINAL READING:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER V,
ANIMAL CONTROL, OF AN ORDINANCE ENTITLED, "AN
ORDINANCE ADOPTING AND ENACTING THE REVISED
GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999,"
PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER
24, 1999, AND AS AMENDED AND SUPPLEMENTED**

WHEREAS, a significant number of puppies and kittens sold at pet shops come from commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills", respectively); and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; 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 and which can result in 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 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 and 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 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 and 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 City Committee finds that it is in the best interests of the City to adopt reasonable regulations to reduce costs to the City and its residents; protect the citizens of the Municipality who may purchase cats or dogs from a pet shop; help prevent inhumane breeding

conditions; promote community awareness of animal welfare, and foster a more humane environment in the City;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDEN:

Section 1. That Chapter V, Animal Control, shall be and the same is hereby amended as follows:

ADD:

SECTION 5-5 REGULATING THE SALE OF DOGS AND CATS

5-5.1 Definitions.

The following words and terms shall have the meanings herein indicated for the purposes of this Article:

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 herein.

5-5.2 Restrictions on the Sale of Dogs and Cats.

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:

- (1) An animal care facility; or
- (2) An animal rescue organization.

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

5-5.3 Record Keeping and Disclosure

A pet shop shall maintain records stating the name and address of the animal care facility or animal rescue organization that each cat or dog was obtained from for at least two (2) years following the date of acquisition. Such records shall be made available, immediately upon request, to the City of Linden Board of Health Department and submitted annually, and no later than May 1st of each year, to the City of Linden Board of Health Department. Each pet shop shall display on each cage a label stating the name and address of the animal care facility or animal rescue organization of each animal kept in the cage.

Section 2. The remaining provisions of the chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

Section 3. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect in the manner provided by law.

PASSED:

President of Council

APPROVED:

Mayor

ATTEST:

City Clerk