

ORDINANCE NO. 2012 - 08

**AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 5 OF THE CODIFIED ORDINANCES OF THE BOROUGH OF POINT PLEASANT ENTITLED "ANIMAL CONTROL", IN PARTICULAR NEW SECTION 5-18 TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS IN PET STORES**

**WHEREAS**, According to the Humane Society of the United States ("HSUS"), inspection records show that many USDA-licensed breeders breed dogs or cats in relatively inhumane conditions. These breeders are commonly referred to as "puppy mills" or "kitten factories." Documented problems of puppy mills include: over breeding; inbreeding; veterinary care that doesn't meet the same standards as other breeders; relatively poor quality of food and shelter; lack of human socialization; and overcrowded cages. Dogs bred in puppy mills are more likely to have behavior and/or health problems. While kitten factories are not as common as puppy mills, similar problems are reported regarding kitten factories; and

**WHEREAS**, according to the American Society for the Prevention of Cruelty to Animals ("ASPCA"), fearful behavior and lack of socialization with humans and other animals are common characteristics of dogs from puppy mills and kittens from kitten factories; and

**WHEREAS**, the Borough Council finds that, in addition to State and Federal laws, the Borough of Point Pleasant has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs and cats; and

**WHEREAS**, the Borough Council believes that a community that promotes animal welfare will be a healthier community; and

**WHEREAS**, the Borough Council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a "puppy mill" or "kitten factory," it is the Borough Council's belief that puppy mills and kitten factories continue to exist in part because of public demand for the sale of dogs and cats in pet stores; and

**WHEREAS**, the Borough Council finds that the retail sale of dogs and cats in pet stores in the Borough of Point Pleasant is inconsistent with the Borough's goal to be a community that cares about animal welfare; and

**DASTI, MURPHY**  
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**WHEREAS**, the Borough Council believes that a ban on the retail sale of dogs and cats in pet stores will provide community awareness of animal welfare and, in turn, will foster a more humane environment in the Borough of Point Pleasant; and

**WHEREAS**, the Borough Council believes that a ban on the retail sale of dogs and cats in pet stores in the Borough will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals; and

**NOW, THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey (the "Borough"), as follows:

**SECTION 1:** Chapter 5 of the Borough Code of the Borough of Point Pleasant entitled "Animal Control" in particular Section 5-18 is hereby amended and supplemented to include the following:

**A. Definitions:** For purposes of this section, the following definitions have been assigned to the terms used:

(1) "Legally existing nonconforming use" means any pet store or pet store operator that displayed, sold, delivered, offered for sale, or otherwise disposed of cats or dogs in the Borough of Point Pleasant prior to June 1, 2012.

(2) "Pet Store" means a retail establishment open to the public and engaging in the business of selling animals at retail. Any person who sells, exchanges, or otherwise transfers only animals that were bred or raised, or both, by the person, or sells or otherwise transfers only animals kept primarily for reproduction, shall be considered a breeder and not a pet store.

(3) "Pet Store Operator" means a person who owns or operates a pet store, or both.

**B. Prohibition:** No pet store operator or pet store shall sell, deliver, offer for sale, barter, auction or otherwise improperly dispose of cats or dogs in the Borough of Point Pleasant.

**C. Violations and penalties.** Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to the penalties as provided in Chapter 5, Section 5-11 entitled "Penalties".

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**SECTION 2: Severability:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid of unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

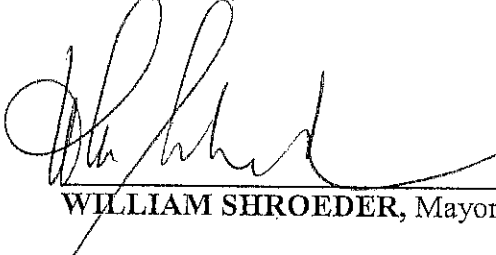
**SECTION 3: Repealer:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4: Effective Date:** This ordinance shall take effect after second reading and publication as required by law.

ATTESTED TO BY:

APPROVED:

  
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 DAVID A. MAFFEI, Clerk/Administrator

  
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 WILLIAM SHROEDER, Mayor

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Borough Council of Point Pleasant Borough on first reading at meeting held on **May 1, 2012**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for **May 15, 2012**, at **7:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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 \_\_\_\_\_  
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Prepared by:

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