

BOROUGH OF BRIELLE ORDINANCE NO

AN ORDINANCE TO AMEND CHAPTER FIVE OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "ANIMAL CONTROL".

BE IT ORDAINED, by the Governing Body of the Borough of Brielle that Chapter Five Of the Municipal Code entitled "Animal Control" shall hereby be amended to include a new section 5.9 et seq. to be entitled "PROHIBITION TO BAN THE SALE OF DOGS & CATS FROM PER SHOPS".

Section 5.9(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.

Section 5.9(2) 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.

Section 5.9(3) 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.

Be It Further Ordained, that all Ordinances or parts of Ordinance inconsistent with the foregoing are hereby repealed, but only to the extent of the inconsistency.

Be It Further Ordained, that this Ordinance shall take effect immediately upon passage and publication according to law.

Attest:

Thomas B. Nicol
Mayor

Thomas F. Nolan
Municipal Clerk

Introduced:

Adopted: