

**ORDINANCE NO. 02-2017 OF THE CITY OF BURLINGTON RESTRICTING THE SALE OF DOGS AND CATS FROM ESTABLISHMENTS WITHIN THE CITY OF BURLINGTON**

**WHEREAS**, the Common Council for the City of Burlington finds that 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 (Commonly known as "puppy mills" and "kitten mills" respectively), and statistics estimate that vast numbers of puppies and kittens are sold to the public from commercial breeding facilities without safeguards for humane conditions and adequate care;

**WHEREAS**, the Common Council for the City of Burlington finds that in commercial breeding facilities over-breeding; inbreeding; minimal veterinary care; lack of adequate and nutritious food, water, and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise has been found; and

**WHEREAS**, the Common Council for the City of Burlington finds that such inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, for which research has shown may not present themselves until sometime after the purchase of the animals, and has a capacity to negatively affect financial, other costs and emotional costs upon consumers; and

**WHEREAS**, the Common Council for the City of Burlington wishes to address the sale of puppy and kitten mill dogs and cats in pet shops to help ensure that the public health safety and welfare is adequately protected; and

**WHEREAS**, the Common Council for the City of Burlington finds that restricting the retail sale of puppies and kittens to only those that are sourced from or work in cooperation with shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, increase demand for animals from animal shelters and rescue organizations and otherwise improve the public health, safety and welfare; and

**WHEREAS**, the Common Council of the City of Burlington finds that the New Jersey Department of Health statistics show the euthanization of 20,000 dogs and cats in New Jersey animal shelters annually due in large part to pet overpopulation and the Common Council for the City of Burlington further finds that 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 tax payers; and

**WHEREAS**, the Common Council for the City of Burlington finds that the adoption of this Ordinance will have no adverse effect on the City or its surrounding communities, whether to local businesses or to pet lovers and owners, but have a positive impact on the economy by protecting the health, safety and welfare of the City's residents; and

**WHEREAS**, the Common Council for the City of Burlington finds that the adoption of this ordinance will not adversely affect a consumer's ability to obtain a dog or cat of his or her choice given the number of breed-specific rescue organization or shelters, hobby breeders where the consumer can see directly the conditions in which the dogs or cats are bred, and can discuss with and directly interact with the hobby breeder concerning those conditions; and

**ORDINANCE NO. 02-2017**

**WHEREAS**, the Common Council for the City of Burlington finds it to be in the best interests of the City to adopt reasonable regulations to reduce cost to the Municipality and its residents, protect the health, safety and welfare of residents of the City of Burlington who purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, and thus reduce other costs and benefit the residents of the City of Burlington;

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**Section 1. Definition.**

*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 member of the species of domestic cat, *Felis Catus*.

*Dog* means 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 cat or dog.

*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 2. Restriction 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 for sale to the public in a manner in cooperation with, or consistent with:
  - a. An animal care facility; or
  - b. An animal rescue organization.
  
2. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

**ORDINANCE NO. 02-2017**

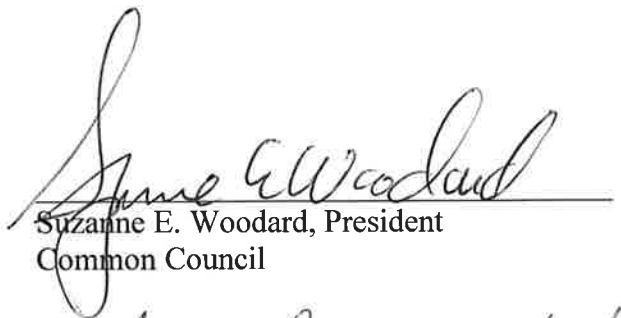
**Section 3. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decisions 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.

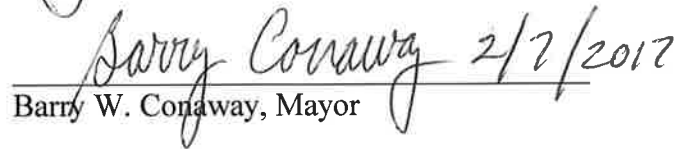
**Section 4. Effective date.**

This Ordinance shall take effect upon passage and publication in accordance within applicable law.

Passed Common Council,

  
Suzanne E. Woodard, President  
Common Council

Approved,

  
Barry W. Conaway, Mayor

ATTEST:

  
Cindy A. Crivaro, RMC  
Municipal Clerk

Introduction:	01/24/17
Publication:	01/29/17
2nd & Final:	02/07/17
Publication:	02/17/17
Effective:	03/09/17