

ORDINANCE NO. 17-11

BOROUGH OF NORTH PLAINFIELD

COUNTY OF SOMERSET

STATE OF NEW JERSEY

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN

SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE

BY ADDING A SECTION TO THE NORTH PLAINFIELD BOROUGH CODE

AS TO CHAPTER 3, “POLICE REGULATIONS”, BANNING THE SALE OF

DOGS AND CATS

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 (hereinafter referred to as “puppy mills” and “kitten mills,” respectively); and,

WHEREAS, 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 mill 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; and,

WHEREAS, 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, State and local regulations do not properly address the sale of puppy mill dogs and kitten mill cats in pet shops; and,

WHEREAS, prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy mills and kitten mills and is likely to increase demand for animals from animal shelters and rescue organizations; and,

WHEREAS, prohibiting the retail sale of puppies and kittens 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; and,

WHEREAS, 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 Borough Council believes it is in the best interests of this Borough to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of the Borough 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 Borough.

WHEREAS, the Borough of North Plainfield, County of Somerset, State of New Jersey is authorized by State law to pass an Ordinance regarding the sale of certain items within the Borough; and,

WHEREAS, the Borough of North Plainfield, County of Somerset, State of New Jersey has determined that the sale of certain cats and dogs from puppy mills and kitten mills at Borough pet stores shall be banned within the Borough of North Plainfield.

NOW, THEREFORE, BE IT ORDAINED by the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough amends, revises and supplements the Borough Code of the Borough of North Plainfield as to Chapter 3, “Police Regulations,” by adding the following Article:

Article 3-17 SALE OF DOGS AND CATS BY RETAIL PET STORES

Section 3-17.1. 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 3-17.2. Restrictions on the Sale of Animals

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this Section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

Section 3-17.3. 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.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

3. This Ordinance shall take effect, after final passage, twenty (20) calendar days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: June 12, 2017
PASSED: June 12, 2017
PUBLISHED: June 15, 2017
ADOPTED:

ROLL CALL: AYES:
NAYS:
ABSTAIN:
ABSENT:

APPROVED BY THE MAYOR: Yes _____ No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on _____, 2017

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Lawrence La Ronde, Council President

Date signed: _____, 2017

Date signed: _____, 2017

Michael Giordano, Mayor

Date signed: _____, 2017