

ORDINANCE NO.: O-2016-_____

TOWNSHIP OF WINSLOW, NEW JERSEY

**ORDINANCE OF THE TOWNSHIP OF WINSLOW, COUNTY OF CAMDEN,
STATE OF NEW JERSEY AMENDING, REVISING AND/OR SUPPLEMENTING
CHAPTER 126, ENTITLED "DOGS" AND CHAPTER 127, ENTITLED "CATS"**

WHEREAS, the Township of Winslow ("Township") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

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 ("puppy mills" and "kitten mills" respectively). 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 overbreeding; 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 and kitten mills facilities lead to health and behavioral issues in the animal bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both lack of education on the issue and misleading tactics of some pet shops in some cases. These health behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional cost 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 shelters and rescue organizations; and

WHEREAS, according to the NJ 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, including nearly 1,500 in the County of

Camden. 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 the local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with the business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. 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 dog or cat are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Winslow Township Mayor and Township Committee believes it is in the best interests of this municipality to adopt reasonable regulations to reduce costs to the municipality and its residents, protect the citizens of the municipality 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 within the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Winslow, County of Camden, and State of New Jersey, as follows:

SECTION 1: Chapter 126 of the Code of the Township of Winslow, entitled "Dogs," is hereby amended, revised and/or supplemented by adding a new Article III, entitled "Kennels, Pet Shops, Shelters and Pounds," as follows:

CHAPTER 126 – DOGS

ARTICLE III KENNELS, PET SHOPS, SHELTERS AND POUNDS

§126-25 License Required.

- A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Township Clerk for a license entitling him to keep or operate such establishment.
- B. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the local Board of Health, showing compliance with the local and state rules and regulations governing location of and sanitation at such establishments.
- C. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained. Such license shall expire on the last day of June of each year and shall be subject to revocation by the township on recommendation of the State Department of Health or the local Board of Health or Animal Control Officer for failure to comply with the rules and regulations of the State Department or of the local Board of Health governing the same, after the owner has been afforded a hearing by either the State Department, the local Board of Health or proper court of law in accordance with the statutes providing for such hearing.
- D. Any person holding such license shall not be required to secure individual licenses for dogs owned by him and kept at such establishments. Such license shall not be transferable to another owner or to different premises.

§126-26 License fees for kennels and pet shops; exemption for shelters and pounds.

The annual license fee for a kennel providing accommodations for ten (10) or less dogs shall be ten dollars (\$10.) and for more than ten (10) dogs, twenty-five dollars (\$25.). The annual license fee for a pet shop shall be twenty-five dollars (\$25.). No fee shall be charged for a shelter or pound.

§126-27 Dogs off premises of kennel, pet shop, shelter or pound.

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises except on a leash or in a crate or other safe control.

§126-28 Restrictions on Sales of Certain Animals.

- A. Definitions: When used herein, the following terms shall have the following meanings:

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 been granted tax exempt status under section 501(c)(3) of the United States Internal Revenue Code and 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.

B. Restrictions on the Sale of Animals

1. A pet shop may offer for sale only those dogs that the pet shop has obtained from or displays in cooperation with:
 - (a) An animal care facility; or
 - (b) An animal rescue organization.
2. A pet shop shall not offer for sale a dog that is younger than eight weeks old.

SECTION 2: Chapter 126 of the Code of the Township of Winslow, entitled "Dogs," is hereby amended, revised and/or supplemented by renumbering the remaining Article and Section numbers as follows:

<u>Current Article/Section Number</u>	<u>New Article/Section Number</u>
ARTICLE I	[NO CHANGE]
§126-1	[NO CHANGE]
§126-2	[NO CHANGE]
§126-3	[NO CHANGE]

§126-4	[NO CHANGE]
§126-5	[NO CHANGE]
§126-6	[NO CHANGE]
§126-7	[NO CHANGE]
§126-8	[NO CHANGE]
§126-9	[NO CHANGE]
§126-10	§126-25 (see Section I above)
§126-11	§126-26 (see Section I above)
§126-12	§126-27 (see Section I above)
§126-13	§126-10
§126-14	§126-11
§126-15	§126-12
§126-16	§126-13
§126-17	§126-14
§126-18	§126-15
§126-19	§126-16
§126-20	§126-17
§126-20.1	§126-18
§126-20.2	§126-19
ARTICLE II	[NO CHANGE]
§126-21	§126-20
§126-22	§126-21
§126-23	§126-22
§126-24	§126-23
§126-25	§126-24

SECTION 3: Chapter 127 of the Code of the Township of Winslow, entitled "Cats," is hereby amended, revised and/or supplemented by adding a new Article I heading entitled "General Regulations," and incorporating existing Sections 127-1 through 127-11, inclusive, in said new Article I.

SECTION 4: Chapter 127 of the Code of the Township of Winslow, entitled "Cats," is further amended, revised and/or supplemented by adding a new Article II, entitled "Sales of Cats," as follows:

ARTICLE II SALES OF CATS

§127-12 Definitions

When used herein, the following terms shall have the following meanings:

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.

§127-13 Restrictions on Sales of Certain Cats

- A. A pet shop may offer for sale only those cats that the pet shop has obtained from or displays in cooperation with:
 - (a) An animal care facility; or
 - (b) An animal rescue organization.

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

SECTION 5: Except as set forth in Sections 1-4 above, the balance of Chapters 126 and 127 shall not be affected by this Ordinance.

SECTION 6: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

INTRODUCED: February 23, 2016

RE- INTRODUCED: March 8, 2016

ADOPTED: March 22, 2016

BARRY M. WRIGHT, MAYOR

**DEBORAH A. IANNACO, RMC
MUNICIPAL CLERK**

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Winslow at a regularly scheduled meeting on **March 22, 2016** at the Winslow Township Municipal Building.

**Deborah A. Iannaco, RMC
Municipal Clerk**

Date: _____