

Ordinance No. 16-16

BOROUGH OF FAIRVIEW

Notice is hereby given that the following Ordinance entitled:
 AN ORDINANCE AMENDING BOARD OF HEALTH CHAPTER XV SECTION 15-2.3
 ENTITLED "KEEPING OF SMALL ANIMALS" RESTRICTING THE SALE OF DOGS, CATS
 AND ANIMALS FROM PET SHOPS

was introduced and passed on first reading at a Council meeting of the Borough held on August 29, 2016 and that at a Council Meeting held on September 20, 2016 at the Council Chambers, Garfield Street, Fairview at 6:15 p.m. prevailing time, said Mayor and Council consider the final passage of said Ordinance and that all persons who may be interested therein will be given an opportunity to be heard.

Introduction

Member	Moved	Seconded	Aye	Nay	No Vote	Abstain	Absent	Adv.
Martin			✓					
Gomez			✓					
Russo			✓					
Lukin			✓					
Burke	✓		✓					✓
Rossi	✓		✓					✓
Mayor								
Total								

Member	Aye	Nay	Abstain	Absent	No Vote	Open	Close
Martin							
Gomez							
Russo							
Lukin							
Burke							
Rossi							
Mayor							
Total							

Member	Aye	Nay	No Vote	Abstain	Absent	Adv.
Martin						
Gomez						
Russo						
Lukin						
Burke						
Rossi						
Mayor						
Total						

**BOROUGH OF FAIRVIEW
ORDINANCE NO. 16-16**

**AN ORDINANCE AMENDING BOARD OF HEALTH CHAPTER XV SECTION 15-2.3
ENTITLED "KEEPING OF SMALL ANIMALS" RESTRICTING THE SALE OF DOGS,
CATS AND ANIMALS FROM PET SHOPS**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; 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 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. 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 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 animal shelters and rescue organizations; 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

WHEREAS, according to the New Jersey 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. 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 taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business 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 dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Borough of Fairview believes it is in the best interests of this Municipality to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of 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 Fairview wishes to amend Section 5-2 Control of Dogs, Cats and Animals of The Borough of Fairview Municipal Code Chapter V entitled "Animal Control" to update provision regarding "Pet Shop"; and,

WHEREAS, the Borough of Fairview wishes to amend Section 5-2 Control of Dogs, Cats and Animals of the Borough of Fairview Municipal Code Chapter V entitled "Animal Control" to update the provision;

NOW THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FAIRVIEW, as follows:

Section 1. Part of The Borough of Fairview Municipal Code entitled Chapter V entitled "ANIMAL CONTROL," Section 5-2, entitled "Control of Dogs, Cats and Animals" is amended, such that it reads:

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, *Felius catus*

Dog means a member of the species of domestic dog, *Canis familiaris*

Kennel, Pet Shop or Pound means any business, shop, establishment, property or place which harbors, keeps or maintains five or more dogs, cats, psittacine birds or similar animals that can be kept as pets or offers to sell any of the aforesaid animals to the general public at retail. Such definition shall not include an animal care facility in animal rescue organization, as defined 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.

Section 2. Part of The Borough of Fairview Municipal Code entitled Chapter V entitled "ANIMALS CONTROL," Section 5-2, entitled "Control of Dogs, Cats and Animals" is amended, such that reads:

(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

(2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

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

Section 3:

This ordinance shall take effect 90 days after passage, adoption, and publication in the manner prescribed by law.

ATTEST:

BOROUGH OF FAIRVIEW

Municipal Clerk

Mayor

FIRST READING: AUGUST 29, 2016

SECOND READING:

FINAL READING