

ORDINANCE 2016:21

AN ORDINANCE TO SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD RESTRICTING THE SALE OF DOGS AND CATS FROM PET SHOPS

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 animals originate from these puppy 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; 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 behavior issues, which may not present themselves until sometime after purchase of 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 dogs and cats to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred by mills, and is likely to increase demand for pets from animal shelters and rescue organization; and

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 dogs and cats 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 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 organization 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 these conditions; and

WHEREAS, the Mayor and Council of the Borough of New Milford believes it is in the best interests of the Borough of New Milford to adopt reasonable regulations to reduce costs to the Borough of New Milford and its residents, protect the citizens of the Borough of New Milford who may purchase dogs or cats 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 of New Milford.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of New Milford that Chapter BH:V be amended to add the following:

SECTION BH:5-4 SALE OF DOGS AND CATS

5-4.1 Definitions.

- a. **Animal care facility** – an animal control center or animal shelter, maintained by or under contract with any state, country, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations
- b. **Animal rescue organization** – any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United State Internal Revenue Code, whose mission and practice is, in whole, or significant part, the rescue and placement of animal in permanent homes.
- c. **Cat** – a member of the species of domestic cat, *Felis catus*
- d. **Dog** – a member of the species of domestic dog, *Canis familiaris*
- e. **Offer for sale** – to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.
- f. **Pet shop** – 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 herein.

5-4.2 Restrictions on the Sale of Animals.

- a. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- i. An animal care facility; or
 - ii. An animal rescue organization.
- b. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

5-4.3 Severability.

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

All other sections of Chapter BH:5 shall remain in full force and effect except as modified herein.

This Ordinance shall take effect upon final passage and publication as required by the law.