

ADOPTED ORDINANCE

CITY OF RAHWAY, NEW JERSEY

No. O-28-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 141, ANIMALS, OF THE CODE OF THE CITY OF RAHWAY TO RESTRICT THE SALE OF PUPPIES AND KITTENS IN THE CITY OF RAHWAY OBTAINED FROM PUPPY MILLS AND KITTEN MILLS

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 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 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, State and County regulations may not properly address the sale of puppy and kitten mill dogs and 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 and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, due in large part to pet overpopulation, more than 17,000 dogs and cats were euthanized in New Jersey animal shelters in 2015, including 292 in Union County. 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. 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 Municipal Council of the City of Rahway believes it is in the best interests of City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City 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 City.

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, and State of New Jersey, that Chapter 141 of the Municipal Code is hereby amended, revised and supplemented as follows:

Section 1. The following Definitions are hereby added to **§141-22, Definitions**, as follows:

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.

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 herein.

Section 2. A new “**§141-23.2, “Restriction on the Sale of Animals”**” is added to Chapter 141, Animals of the Code of the City of Rahway, to read as follows:

“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. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This Ordinance shall become effective after second reading and publication as required by law.

Date of Introduced: September 11, 2017

Motion: Mojica **Second:** Miles

Raymond Giacobbe, Jr., Council President

YES: Councilmembers Brown, Cox, Farrar, Miles,
Mojica, Wenson Maier, Giacobbe

ABSENT: Councilmembers Baker and Bresenhan

APPROVE

Samson D. Steinman, Mayor

Date of Public Hearing: October 10, 2017

Date of Table: October 10, 2017

Motion: Cox **Second:** Bresenhan

Rayna E. Harris, City Clerk

YES: Councilmembers Baker, Bresenhan Cox, Farrar,
Miles, Mojica, Giacobbe

ABSENT: Councilmembers Brown and Wenson Maier

Date of Public Hearing: November 20, 2017

Date of Adoption: November 20, 2017

Motion: Miles **Second:** Mojica

YES: Councilmembers Baker, Brown, Cox,
Farrar, Miles, Mojica

ABSENT: Councilmembers Bresenhan, Wenson Maier,
and Giacobbe