

Ordinance #2020-1242

An Ordinance Providing For The Regulation Of Pet Shops And The Sale Of Pets By Animal Care Facilities, Or Animal Rescue Organizations, As A Permitted Use In The Commercial Zone In The Borough Of Manville

STATEMENT OF PURPOSE

The purpose of this Ordinance is to permit the sale of cats and dogs by Animal Care Facilities or Animal Rescue Organizations as a Conditionally Permitted Use in the Commercial Zone in the Borough of Manville, and to establish Borough standards for same, in accord with N.J.S.A. 56:8-95.2.

Whereas, the Mayor and Council believe it is in the best interests of the Borough to adopt the following reasonable regulations to protect the citizens of the Borough who may purchase cats or dogs from a pet shop or other business establishment, to help prevent inhumane breeding conditions, to promote community awareness of animal welfare, and to foster a more humane environment in the Borough; and

Whereas, inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which issues may not present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

Whereas, N.J.S.A. 56:8-95.2 provides that municipalities may pass and implement ordinances to place additional restrictions on pet sales; and

Whereas, restricting the retail sale of dogs, puppies, cats and kittens to only those that are sourced from reputable breeders or 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, according to the New Jersey Department of Health, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually; and

Whereas, 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, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a reputable breeder or 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, this Ordinance does not restrict pet supply stores which operate with a business model focused on the sale of pet services, pet food, or pet supplies, but not on the sale of dogs, cats or other mammals, and is not intended to restrict such shops from occasionally collaborating with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Manville in the County of Somerset, New Jersey, as follows:

Section 1: DEFINITIONS

ANIMAL CARE FACILITY

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

Any not-for-profit organization which has tax-exempt status under § 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

A member of the species of domestic cat, *Felis catus*.

DOG

A member of the species of domestic dog, *Canis familiaris*.

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.

PET RESCUE SALES FACILITY

An 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.

PET SUPPLY SHOP

An establishment which sells pet supplies, pet food, pet accessories, and pet equipment, but which does not sell dogs, cats or other animals.

SALE OF PETS

The "Sale" of pets shall include the retail sale, exchange, barter, or offering for adoption of dogs, cats or other animals.

Section 2: Permitted Use in the Commercial Zone shall include "Pet Supply Shops" which operate with a business model focused on the sale of pet services, pet food, or pet supplies, but not on the sale of dogs, cats or other animals. This Ordinance is not intended to preclude such shops from occasionally collaborating with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises, provide that such adoption days do not exceed 12 such dates in the course of a calendar year.

Section 3: Permitted Use in the Commercial Zone shall include "Pet Rescue Sales Facilities" which sell dogs or cats, on the following terms, conditions, and restrictions:

(A) A Pet Rescue Sales Facility shall comply with all applicable terms of the New Jersey Pet Purchase Protection Act, N.J.S.A. 56:8-92 et seq., except where modified by this Ordinance which in the Borough of Manville only permits the sale of dogs and cats, and only when said dogs or cats are obtained from or displayed in cooperation, with an Animal Care Facility or Animal Rescue Organization;

(B) A Pet Rescue Sales Facility may offer for Sale only those dogs and cats that the pet shop has obtained from, or displays in cooperation, with:

- (1) an Animal Care Facility, as defined above; or
- (2) an Animal Rescue Organization, as defined above.

(C) A Pet Rescue Sales Facility may not offer for sale a dog or cat that is younger than eight weeks old;

(D) A Pet Rescue Sales Facility may not at any time have on the premises, for each 100 square feet of the premises, any of the following animals, or combinations of animals comprising subsections (i), (ii), (iii) or (iv) below, per each 100 square feet of premises, provided that the facility may temporarily exceed the below limitations by up to 50% additional for a period of 24 hours or less, during the transfer of or intake of animals;

- (i) not more than 3 dogs or cats weighing 20 lbs. or less;
- (ii) not more than 2 dogs or cats weighing 21 lbs to 40 lbs.,

(iii) not more than 1 dog or cat weighing 41 lbs. or more;

Section 4: Repealer. All other Ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance shall apply.

Section 5: Severability. In the event that any provision of this Ordinance, or the application of thereof to any person or circumstance is adjudged invalid, such adjudication of invalidity shall not affect the validity of the remaining provisions same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6: Purpose of Captions. The captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

Section 7: Effective Date: This Ordinance shall take effect immediately after final adoption, passage, and publication according to law.

Borough of Manville,
Richard M. Onderko

Richard M. Onderko, Mayor

ORDINANCE #2020-1242

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		MAGNANI	✓			
	✓	LUKAC	✓			
✓		MAEDER	✓			
		PETROCK	✓			
		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

INTRODUCED this 13th day of July__, 2020

Wendy Barras
Attest:
Wendy Barras, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	✓	MAGNANI	✓			
		LUKAC	✓			
✓		MAEDER	✓			
		PETROCK	✓			
		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

[ADOPTED] [DEFEATED] this 17th day of August, 2020



Attest:
Wendy Barras, Borough Clerk