

**ORDINANCE NO. 4182-17**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 115, DOGS AND OTHER ANIMALS, ADD NEW ARTICLE VI, PROHIBITING THE SALE OF DOGS AND CATS FROM PET SHOPS**

**SUMMARY**

An ordinance that prohibits the sale of dogs and cats from Pet Shops to address the 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.

**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 and kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minima 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 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

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shelters and rescue organizations; 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 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 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 a 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 Township Council believes it is in the best interest of the Township of Franklin to adopt reasonable regulations to reduce costs to the Township of Franklin and its residents, protect the citizens of the Township 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 Township.

**NOW, BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Code of the Township of Franklin be and it is hereby amended as follows:

### **SECTION I**

#### **Chapter 115, Dogs and Other Animals**

#### **Article VI, Prohibiting the Sale of Dogs and Cats from Pet Shops**

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### § 115-45. Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**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 non-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 ny retail establishment, which is not part of a kennel, where in animals, including, but not limited to, dogs, ~~and~~ cats, birds, fish, reptiles, rabbits, hamsters or gerbils are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail for personal appreciation and companionship rather than for business or reseach purposes. Such definition shall not include an animal care facility or animal rescue organization, as defined.

### § 115-46. 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:
  - (1) An animal care facility; or
  - (2) An animal rescue organization.

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

### SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

### SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

### SECTION IV

This ordinance shall become effective 90 days after passage.

### ORDINANCE NO. 4182-17

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: 3/15/2017

Public Hearing:

Adoption:

Published:

Effective:

  
Ann Marie Marie McCarthy, Township Clerk 2/24/2017