

**CITY OF HACKENSACK
ORDINANCE NO. 24-2016**

**AN ORDINANCE AMENDING PART II ENTITLED
“General Legislation,” CHAPTER 52 ENTITLED “ANIMALS”,
BANNING THE SALE OF DOGS AND CATS 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 the 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 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 some time 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, 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 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 City Council of the City of Hackensack believes it is in the best interests of this Municipality to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of 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 .

WHEREAS, the City of Hackensack ("City") wishes to amend Part II of The City of Hackensack Municipal Code entitled "General Legislation," Chapter 52 entitled "Animals," Section 17, entitled "Definitions" to update various provisions regarding the definition of "Pet Shop"; and

WHEREAS, the City of Hackensack ("City") wishes to amend Part II of The City of Hackensack Municipal Code entitled "General Legislation," Chapter 52 entitled "Animals," Section 17, entitled "Definitions" to update various provision

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HACKENSACK, as follows:

Section 1. Part II of The City of Hackensack Municipal Code entitled "General Legislation," Chapter 52 entitled "ANIMALS," Section 17A, entitled "DEFINITIONS" 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, *Felis 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 or 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 II of The City of Hackensack Municipal Code entitled “General Legislation,” Chapter 52 entitled “ANIMALS,” Section 21, entitled “REGULATIONS AND RESTRICTIONS” 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.

Introduced: June 14, 2016