

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 74 OF THE CODE OF
THE TOWNSHIP OF ROBBINSVILLE ENTITLED “ANIMALS”**

WHEREAS, a significant number of puppies and kittens sold at pet shops and adopted from other organizations 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

WHEREAS, the documented abuses endemic to puppy and kitten mills include overbreeding; 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 or adopting animals due to both a lack of education on the issue and misleading/insufficient information regarding the origin of the pet. These health and behavioral issues, which may not present themselves until sometime after the purchase/adoption of the animals, can impose exorbitant financial and emotional costs on the consumer; and

WHEREAS, current Federal, State, and County regulations do not properly address the sale or adoption of puppy and kitten mill dogs and cats; and

WHEREAS, restricting the retail sale or adoption of puppies and kittens to only those that are sourced from shelters, rescue organizations, or certified breeders 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, rescue organizations, and certified breeders; and

WHEREAS, according to the New Jersey Department of Health Animal Intake and Disposition Survey, thousands of dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the retail sale or adoption 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 shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs and cats are bred or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Mayor and Township Council believe it is in the best interests of the Township of Robbinsville to adopt reasonable regulations to reduce costs to the municipality and its residents, protect the citizens of the municipality who may purchase or adopt cats or dogs from a pet shop or other organization, help prevent inhumane breeding conditions, promote community awareness of animal welfare and foster a more humane environment in the municipality; and

WHEREAS, there is one existing retail shop located in Robbinsville Township that will not be in compliance with this Ordinance. The Township reserves the right to eliminate this “grandfather” clause should the existing business not comply with State and Federal laws or the Township becomes aware of repeated state and federal violations that can be verified by Robbinsville’s Department of Health and/or State/Federal agency;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Robbinsville, County of Mercer, State of New Jersey that Chapter 74 of the Code of the Township of Robbinsville entitled “Animals” is hereby amended and supplemented as follows [added portions are underlined; deleted portions have strikethrough]:

SECTION 1.

Chapter 74 – Animals

Article VI. Restrictions on the Sale of Animals.

§ 74-29 Purpose.

The purpose of this article is to establish reasonable regulations to reduce costs to the Township and its residents, protect the citizens of the Township who may purchase cats or dogs from a pet shop or other organization, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Township.

§ 74-30 Definitions.

Notwithstanding § 74-1, as used in this article, the following terms shall have the meanings indicated:

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.

ANIMAL RESCUE ORGANIZATION

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 the rescue and placement of animals in permanent homes that are not acquired or sourced from a large scale, commercial breeding facility where the health and welfare of the animals are not adequately provided for, commonly known as a “puppy mill” or “kitten mill”, except for animals that are acquired from a puppy mill or kitten mill and that have been used as breeding animals by such facilities.

CAT

A member of a species of domestic cat, Felis catus.

DOG

A member of a 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 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.

§ 74-31 Restrictions on the Sale of Animals.

A. No pet shop 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 shops from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

B. The restrictions set forth in this section shall not apply to any pet shop in existence prior to the effective date of this ordinance.

§ 74-32 Violations and penalties.

A. Any person who shall violate the provisions of this article shall be liable to a penalty as set forth in Chapter 1, Article II, General Penalty.

SECTION 2.

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

SECTION 3.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall remain valid and effective.

SECTION 4.

This ordinance shall take effect upon final passage and publication according to law.

PASSED: 12/17/2020

ADOPTED: 12/17/2020

Michele Seigfried, Municipal Clerk

David Fried, Mayor