

Introduced: October 8, 2018

Adopted:

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

ORDINANCE NO. 2018-33

AN ORDINANCE AMENDING AND RESTATING CHAPTER 68, "ANIMALS", OF THE CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, BY AMENDING SECTIONS 68-20A AND 68-26 IN ARTICLE I AND THE ADDITION OF NEW ARTICLE II, TO REGULATE THE SALE OF DOGS AND CATS.

WHEREAS, Section 68-20A requires amendment to clarify the presence of dogs in public parks, and Section 68-20 requires amendment in order to be consistent with Chapter 375, Section 375-67; and

WHEREAS, new Article II is necessary as 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 mills 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. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose financial and emotional costs on consumers, and lead to the surrender of the animals to animal shelters; 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's Animal Intake and Disposition Survey, thousands of dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce shelter 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 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, this governing body believes it is in the best interest of the Township to adopt reasonable regulations to reduce costs to the Township of South Orange Village and its residents, protect the citizens of the municipality 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 of South Orange.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

Chapter 68 of the Code of the Township of South Orange Village is hereby amended and restated as follows:

ARTICLE I **Dogs and Other Animals**

§ 68-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL CONTROL OFFICER — Includes the person holding the position of Animal Control Officer in the Village and any deputy, assistant or helper of such Animal Control Officer and any person designated as an Acting Animal Control Officer.

ANIMAL or OTHER ANIMAL — Includes any domestic animal (other than a dog as hereinafter defined) or any wild animal, whether in its natural state or tamed.

DOG — Any dog, bitch or spayed bitch.

DOG OF LICENSING AGE — Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

FARM ANIMAL — Any animal other than a cat or dog weighing in excess of 25 pounds and/or which is traditionally found on a farm, including but not limited to horses, cows, goats and sheep.

KENNEL — Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER — When applied to the proprietorship of a dog or other animal, includes every person having a right of property in such dog or other animal and every person who harbors or has such dog or other animal in his keeping.

OWNER'S PREMISES — Includes the building and plot of land on which such building stands in which the owner of a dog or other animal has a place of abode or place of business in the Village.

PET SHOP — Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

POTENTIALLY DANGEROUS DOG- Any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to section 7 of P.L. 1989, c307 (C. 4:19-23).

SHELTER — Any establishment where dogs are received, housed and distributed without charge.

VICIOUS DOG — Any dog which attacks or bites a person in a manner which endangers the physical well-being of such person without being provoked to do so, provided that the attack is of sufficient severity as to demonstrate that the keeping of the dog will pose a threat to the safety of the general public. Any dog which attacks or bites any person in pursuit of any unlawful activity shall not be deemed vicious.

VILLAGE POUND — An establishment provided for by the Village for the confinement of dogs and other animals seized either under the provisions of this article or otherwise.

§ 68-2. Compliance required.

No person shall keep or harbor any animal, including farm animals, within the Township of South Orange Village except for any dogs and cats in compliance with the provisions of this article and/or Chapter 368, Article I, Cats.

§ 68-3. Licensing official.

The Village Health Officer is hereby designated to receive applications for and to issue dog and dog establishment licenses in the Village pursuant to the provisions of N.J.S.A. 4:19-15.1 et seq., as amended, and this article.

§ 68-4. Annual license and registration tag.

- A. Any person who shall own, keep or harbor a dog of licensing age shall, in the month of January of each year, or in the month of January in every third year (if a three-year dog license has been obtained), apply for and procure from the Health Officer of the Village either a one- or three-year license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each dog a collar or a harness with the registration tag securely fastened thereto.
- B. License forms and uniform official metal registration tags designed by the State Department of Health shall be furnished by the Village and shall be numbered serially and shall bear the year of issuance by the Village.

§ 68-5. Dog license fees; exemptions.

- A. The fee for a one-year dog license and each renewal thereof for a spayed/neutered dog or a nonspayed/neutered dog shall be as set forth in Chapter 143, Fees, of this Code, to be paid annually. In addition thereto, there shall be paid to the Village for remittance to the appropriate agency of the State of New Jersey those funds which are required to be collected by the Village on behalf of the State Department of Health. Licenses, registration tags and renewals issued pursuant to this section shall expire on January 31 in the year following the year of issuance. Any citizen of the Village who possesses a dog which has been licensed in one year and who fails to renew said license during the succeeding year

prior to March 1 of that succeeding year shall pay, in addition to the license fee referred to above, a late registration fee as set forth in Chapter 143, Fees, of this Code.

- B. The following types of dogs shall be licensed and registered as with all other dogs referred to above, except that the owner or keeper of such dogs shall not be required to pay any fees therefor. The dogs which are exempt from the fees described above are as follows:
- (1) Dogs used as guides for blind persons, commonly known as "Seeing Eye" dogs.
 - (2) Dogs used as guides for hearing-impaired persons, commonly known as "hearing ear" dogs.
 - (3) Dogs used by handicapped persons, commonly known as "handicapped service" dogs.
 - (4) Police dogs and other dogs or animals employed by the Village.
- C. The fee for a one-year dog license and each renewal thereof for a dog which has been deemed potentially dangerous by a court consistent with N.J.S.A. 4:19-24 shall be as set forth in Chapter 143, Fees, of this Code, to be paid annually. Licenses, registration tags and renewals issued pursuant to this section shall expire on January 31 in the year following the year of issuance. Any citizen of the Village who possesses a dog which has been licensed in one year and who fails to renew said license during the succeeding year prior to March 1 of that succeeding year shall pay, in addition to the license fee referred to above, a late registration fee as set forth in Chapter 143, Fees, of this Code.

§ 68-6. Number of licenses and tags required; licenses and tags issued by other municipalities.

Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey, and such license and tag issued by any other municipality of this state shall be accepted by the Village as evidence of compliance with §§ 68-4 and 68-5.

§ 68-7. Time for applying for license and tag.

The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall apply for a license and registration tag for such dog within 10 days after such acquisition or licensing age attainment.

§ 68-8. License and tag for dogs brought into Village.

- A. Any person who shall bring or cause to be brought into the Village any dog licensed in another state for the current year and bearing a registration tag and who shall keep the same or permit the same to be kept within the Village for a period of more than 90 days shall immediately apply for a license and registration tag for each such dog, unless a license for such dog is not required by the provisions of § 68-11.
- B. Any person who shall bring or cause to be brought into the Village any unlicensed dog of licensing age and shall keep the same or permit the same to be kept within the Village for a period of more than 10 days shall immediately apply for a license and registration tag for each such dog, unless a license is not required by the provisions of § 68-11.

§ 68-9. Contents of application and certificate; information to State Health Department.

- A. The application for the license and registration tag of a dog shall state:
 - (1) The breed, sex, age, color and markings of the dog for which license and registration are sought.
 - (2) Whether the dog is of longhaired or shorthaired variety.
 - (3) The name, street and post office address of the owner and the person who shall keep or harbor such dog.
- B. No license or registration shall be issued to any person unless his application is accompanied by:
 - (1) A certificate, signed by a duly licensed veterinarian of the State of New Jersey, satisfactorily identifying the dog for whom application for a license is being made and indicating the date, which shall not be more than one year prior to the date when application is made, when said dog had been inoculated against rabies; or
 - (2) A certificate, approved by the Health Officer of the Village, from such veterinarian stating that because of infirmity or other physical conditions the inoculation of such dog for a specified period of time is contraindicated. At the expiration of the period of time specified in the veterinarian's certificate above referred to in this subsection, the person keeping or harboring said dog shall file with the Health Officer of the Village a current certificate by such veterinarian containing one or the other of the statements required by this Subsection B.
- C. The information on said application and the accompanying veterinarian's certificate and the registration number issued for the dog shall be preserved for a period of three years by the Health Officer. Registration numbers shall be issued in the order of the applications.
- D. The Health Officer shall forward to the State Department of Health each month, on forms furnished by said Department, an accurate account of registration numbers issued or otherwise disposed of.

§ 68-10. Removal or transfer of tags.

No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

§ 68-11. Kennel, Pet Shop and Shelter Licenses Required.

- A. Any person who keeps or operates or proposes to establish a kennel, a pet shop or a shelter shall apply to the Health Officer for a license entitling him to keep or operate such establishment. No such license shall be issued unless the Health Officer finds that there is compliance with the local and state rules and regulations governing the location of and sanitation at each such establishment. All licenses issued for such establishments shall state the purpose for which the establishment is maintained, shall expire on the last day of January of each year and shall not be transferable to another owner or different premises.
- B. Any person holding such license shall not be required to secure individual licenses for dogs

owned by such licensee and kept at such establishments.

§ 68-12. Application for kennel, pet shop and shelter licenses.

The application shall describe the premises where the establishment for a kennel, pet shop or shelter is located or is proposed to be located and the purpose or purposes for which it is to be maintained.

§ 68-13. Revocation of kennel, pet shop and shelter licenses.

All licenses issued for a kennel, pet shop or shelter shall be subject to revocation by the Board of Health on recommendation of the State Department of Health or the Village Board of Health for failure to comply with the applicable provisions of this article or the rules and regulations of the State Department of Health or of the Village Board of Health governing the same, after the licensee has been afforded a hearing by either the State Department of Health or the Village Board of Health.

§ 68-14. License fees for kennels, pet shops and shelters.

The annual license fees for kennels, pet shops and shelters shall be as set forth in Chapter 143, Fees, of this Code.

§ 68-15. Disposition of fees.

- A. License fees and other moneys collected or received under the provisions of this article, except registration tag fees, shall be forwarded to the Village Treasurer within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Village. Such moneys shall be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under this article; for local prevention and control of rabies; for providing antirabic treatment under the direction of the Village Board of Health for any person known or suspected to have been exposed to rabies; for all other purposes prescribed by the statutes of New Jersey governing the subject; and for administering the provisions of this article. Any unexpended balance remaining in such special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of said third fiscal year following and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the Village any amount then in such account which is in excess of the total amount paid into said special account during the last two fiscal years next preceding.
- B. The registration tag fee for each dog shall be forwarded within 30 days after collection by the Health Officer of the Village to the State Department of Health.

§ 68-16. List of licensed kennels, pet shops and shelters forwarded to state.

The Health Officer of the Village shall forward to the State Department of Health a list of all kennels, pet shops or shelters licensed, within 30 days after the licenses therefor are issued, which list shall include the names and addresses of the licensees and the kinds of licenses issued.

§ 68-17. Animal Control Officer.

- A. The position of Animal Control Officer heretofore established is hereby continued. The

Animal Control Officer shall be subject to the direction and control of the Health Officer or other officer in administrative charge of the Board of Health of the Village.

- B. The Animal Control Officer shall enforce the provisions for the control of dogs contained in N.J.S.A. 4:19-15.1 et seq. and the provisions of this article.
- C. In addition to duties prescribed by Subsection B of this section, the Animal Control Officer shall take such measures as he and the Health Officer or other officer in administrative charge of the Board of Health of the Village deem advisable and appropriate for the control of animals in order to prevent or stop the destruction of property by animals and to prevent or stop animals from being or becoming hazardous to the health or safety of persons within the Village and to prevent or stop animals from disturbing the peace or quiet of the neighborhood in which such animals may be kept or found.
- D. The Animal Control Officer shall clean and maintain the Village pound and shall regularly feed and give other necessary care to all animals impounded therein.
- E. Nothing contained in this section shall be construed as limiting the authority of the Police Chief or members of the Police Force to enforce the provisions of this article when, in the interest of health and safety, they deem it necessary.

§ 68-18. Noise nuisances.

No person shall keep within the limits of the Village any dog or other animal causing a nuisance and disturbing the peace and quiet of the neighborhood in which it shall be kept by howling, barking or making or causing other sounds or noises.

§ 68-19. Vicious and Potentially Dangerous Dogs

No person shall keep a vicious dog, as defined by N.J.S.A. 4:19-22, within the confines of the Village. Consistent with N.J.S.A. 4:19-24, any owner of a dog declared to be potentially dangerous shall comply with the conditions outlined in N.J.S.A. 4:19-24, including the licensing requirements outlined in section 68-5, above. A dog shall be deemed to be a vicious dog or a potentially dangerous dog when it has been declared vicious or potentially dangerous by virtue of the procedures set forth in Chapter 307 of the Public Laws of 1989 (N.J.S.A. 4:19-17 to 4:19-37).

§ 68-20. Dogs running at large.

- A. Except as otherwise provided in Subsections B and C of this section, no owner of any dog and no other person in charge of or keeping or harboring any dog shall permit any dog to be upon any public street or in any public place or upon any private property, other than the premises of the owner or such other person within the Village of South Orange, unless such dog is accompanied by and in the custody of a person capable of controlling such dog and is securely restrained on a leash not more than six feet in length when fully extended. Any dog, whether licensed or not, found not accompanied and restrained as required by this subsection may be seized and impounded by the Animal Control Officer, as provided in § 68-21.
- B. No dog kept in a kennel, pet shop, shelter or pound licensed pursuant to this article shall be permitted to be absent from such premises, unless such dog is accompanied and restrained as required by Subsection A of this section or in a crate or under other safe control. Any dog found in violation of this subsection may be seized and impounded by

the Animal Control Officer, as provided in § 68-21.

- C. Dogs shall not be permitted in Carter Park, Founders Park and Farrell Field. As it shall concern all other parks, no owner or custodian of a dog shall permit such dog to enter upon any public structured athletic or recreational facility, including, but not limited to, tennis courts, basketball courts, baseball infields, pools and playgrounds. Dogs shall at all times be kept on a leash not more than six feet in length when fully extended. This subsection shall not apply to owners of qualified guide and service dogs.
- D. The provisions of Subsection C of this section, as set forth above, shall not in any way apply to any of the exemptions set forth in § 68-5B.
- E. Any person found in violation of the provisions of Subsections A and C of this section shall be subject to a fine as follows:
 - 1. First offense: \$100
 - 2. Second offense: \$250
 - 3. Third offense: an amount not to exceed \$500

§ 68-21. Grounds For Seizure and Impoundment.

The Animal Control Officer shall take into custody and impound, to thereafter be euthanized or offered for adoption in accordance with N.J.S.A. 4:19-15.16, the following:

- A. Any dog off the premises of the owner or of the person charged with the care of the dog, which is reasonably believed to be a stray dog;
- B. Any dog off the premises of the owner or the person charged with the care of the dog without a current registration tag on its collar or elsewhere;
- C. Any female dog in season off the premises of the owner or the person charged with the care of the dog;
- D. Any dog or other animal which is suspected to be rabid; or
- E. Any dog off the premises of the owner or the person charged with its care that is reported to, or observed by, the Animal Control Officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

§ 68-22. Seizure and impoundment procedures.

- A. If an animal taken into custody and impounded pursuant to § 68-21 has a collar or harness with identification of the name and address of any person, or has a registration tag, or has a microchip with an identification number that can be traced to the owner or person charged with the care of the animal, or the owner or the person charged with the care of the animal is otherwise known, the Animal Control Officer shall ascertain the name and address of the owner or the person charged with the care of the animal and serve to the identified person, as soon as practicable, a notice in writing that the animal has been seized and will be liable to be offered for adoption or euthanized if not claimed within seven days after the service of the notice.
- B. A notice required pursuant to this section may be served:
 - (1) By delivering it to the person on whom it is to be served, or by leaving it at the

person's usual or last known place of residence or the address given on the collar, harness or microchip identification; or

- (2) By mailing the notice to that person at the person's usual or last known place of residence, or to the address given on the collar, harness or microchip identification.
- C. A shelter, pound or kennel operating as a shelter or pound receiving an animal from the Animal Control Officer pursuant to § 68-21, or from any other individual, group or organization, shall hold the animal for at least seven days before offering it for adoption or euthanizing, relocating or sterilizing the animal, except if:
- (1) The animal is surrendered voluntarily by its owner to the shelter, pound or kennel operating as a shelter or pound, in which case the provisions of Subsection D of this section shall apply; or
 - (2) The animal is suspected of being rabid, in which case the provisions of Subsection I of this section shall apply.
- D. If a shelter, pound or kennel operating as a shelter or pound is not required to hold an animal for at least seven days pursuant to Subsection C(1) of this section, the shelter, pound or kennel operating as a shelter or pound:
- (1) Shall offer the animal for adoption for at least seven days before euthanizing it; or
 - (2) May transfer the animal to an animal rescue organization facility or a foster home prior to offering it for adoption if such a transfer is determined to be in the best interest of the animal by the shelter, pound or kennel operating as a shelter or pound.
- E. Except as otherwise provided for under Subsection D of this section, no shelter, pound or kennel operating as a shelter or pound receiving an animal from the Animal Control Officer may transfer the animal to an animal rescue organization facility or a foster home until the shelter, pound or kennel operating as a shelter or pound has held the animal for at least seven days.
- F. If the owner or the person charged with the care of the animal seeks to claim it within seven days, or after the seven days have elapsed but before the animal has been adopted or euthanized, the shelter, pound or kennel operating as a shelter or pound:
- (1) Shall, in the case of a cat or dog, release it to the owner or person charged with its care, provided the owner or person charged with the care of the animal provides proof of ownership, which may include a valid cat or dog license, registration, rabies inoculation certificate or documentation from the owner's veterinarian that the cat or dog has received regular care from that veterinarian;
 - (2) May, in the case of a cat or dog, charge the cost of sterilizing the cat or dog, if the owner requests such sterilizing when claiming it; and
 - (3) May require the owner or person charged with the care of the animal to pay all the animal's expenses while in the care of the shelter, pound or kennel operating as a shelter or pound, not to exceed \$4 per day.
- G. If the animal remains unclaimed, is not claimed due to the failure of the owner or other

person to comply with the requirements of this section or is not adopted after seven days after the date on which notice is served pursuant to Subsection B of this section or, if no notice can be served, not less than seven days after the date on which the animal was impounded, the impounded animal may be placed in a foster home, transferred to another shelter, pound, kennel operating as a shelter or pound or animal rescue organization facility, or euthanized in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19.

- H. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal taken into custody, impounded, sent or otherwise brought to a shelter, pound or kennel operating as a shelter or pound shall be sold or otherwise be made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a crime of the fourth degree.
- I. Any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the Board of Health and to the Department of Health and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health for the animals.
- J. When the Animal Control Officer takes into custody and impounds, or causes to be taken into custody and impounded, an animal, the Animal Control Officer may place the animal in the custody of, or cause the animal to be placed in the custody of, only a licensed shelter, pound or kennel operating as a shelter or pound. The Animal Control Officer may not place the animal in the custody of, or cause the animal to be placed in the custody of, any animal rescue organization facility, foster home or other unlicensed facility. However, the licensed shelter, pound or kennel operating as a shelter or pound may place the animal in an animal rescue organization facility, foster home or other unlicensed facility if necessary pursuant to Subsection D or G of this section.
- K. Notwithstanding the provisions of this section and N.J.S.A. 4:19-15.30 and 4:19-15.31 to the contrary, no cat or dog being transferred between shelters, pounds or kennels operating as shelters or pounds, or being transferred to an animal rescue organization facility or placed in a foster home, shall be required to be sterilized prior to that transfer.

§ 68-23. Entry upon premises for seizure.

The Animal Control Officer, when in immediate pursuit of dogs or other animals which he may lawfully seize and impound under the provisions of this article or the statutes of New Jersey, is hereby authorized to go upon or into any premises in the Village for the purpose of seizing and impounding such dog or other animals, and such entry shall not be deemed a trespass; provided, however, that the Animal Control Officer may not enter an inhabited dwelling without the permission of the owner or go upon any premises if the owner thereof or the owner's representative is present and forbids him to do so, unless pursuant to an order of the Municipal Judge to seize a dog which has been adjudicated as vicious, if not removed from the Village within 10 days after such adjudication.

§ 68-24. Interference with enforcement.

No person shall hinder, molest or interfere with anyone authorized or empowered to perform

any duty under this article.

§ 68-25. Violations and penalties.

Except as provided in N.J.S.A. 4:19-15.19, any person who violates any provision of this article shall be subject to punishment as set forth in Chapter 1, Article II, of this Code.

§ 68-26. Removal of dog feces (“Pooper Scooper Law”)

All persons owning or having control or custody of a dog shall comply with the requirements of Chapter

375, Sanitary Standards, Section 375-67, with respect to the removal and disposal of dog feces.

ARTICLE II

Regulation of the Sale of Dogs and Cats

§ 68-27. 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 not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United State Internal Revenue Code, whose mission and practice is in whole or ins significant part, the rescue and placement of animals in permanent homes, and which does not breed animals or obtain animals from a breeder or broker in exchange for payment or compensation.

CAT means a member of the species of domestic cat, *Felis cactus*.

CERTIFICATE OF SOURCE means a document from an animal control center, animal rescue organization, or animal shelter which shall provide a brief description of the dog or cat, and shall list the name, address and telephone number of the source (animal control center, animal rescue organization, or animal shelter) of the dog or cat.

DOG means a member of a species of domesticated dog, *Canis familiaris*.

OFFER FOR SALE means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, broker, give away or otherwise dispose or 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.

§ 68-28, Restrictions on the Sale of Animals.

No pet shop shall sell, deliver, offer for sale, barter, broker, auction, give away or otherwise transfer or dispose of dogs and cats. 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 owned by the animal care facilities or animal rescue organizations. Such animals shall not be younger than eight weeks old.

§ 68-29, Certificate of Source.

A pet shop shall post and maintain a Certificate of Source in a conspicuous place on or within three feet of each dog's or cat's kennel, cage, or enclosure. A Certificate of Source shall be provided to the adopter of any dog or cat.

§ 68-30, Record Keeping.

A pet shop shall maintain records for each dog and cat taken into its possession, including the name and address of the animal care facility or animal rescue organization that each dog or cat was obtained from, a description of the dog or cat, the name and address of the party who acquired the dog or cat and the dates of those events. Such records shall be maintained for at least two years following the date of acquisition, shall be made immediately available upon the request of the South Orange Department of Health. and submitted annually, no later than May 1 of each year, to the Clerk of the Township of South Orange Village.

§ 68-31, Penalties.

Each and every failure to comply with any of the requirements of this Article shall constitute a separate violation thereof. More specifically, each dog or cat possessed by a pet shop in violation of this Article, and each day that such a violation exists, shall constitute a separate offense. Each such offense shall be punishable by a fine of not less than five hundred (\$500) dollars.

Section 3.

Repealer.

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

Section 4.

This ordinance shall take effect after final passage and publication as required by law.

Section 5.

On passage this ordinance shall be codified.

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Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke					X	
Davis Ford	X		X			
Hartshorn Hilton						X
Levison				X		
Rosner		X	X			
Schnall			X			

As per the Village Code and the Village Counsel, Mr. Otis, Village President Collum is allowed to vote. Village President Collum voted yes. The motion carried 4 Ayes, 1 Nay, 1 Abstention, 1 Absent.

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their meeting held on October 8, 2018.

Kevin D. Harris
Village Clerk

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Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke						
Davis Ford						
Hartshorn Hilton						
Levison						
Rosner						
Schnall						

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on November 26, 2018.

Kevin D. Harris
Village Clerk