

**TOWNSHIP OF WALL
ORDINANCE NO. 17-2018**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 65 (ANIMALS) BY CREATING ARTICLE III (SALES OF DOGS AND CATS) PROHIBITING THE RETAIL SALE OF CERTAIN DOGS AND CATS IN THE TOWNSHIP

WHEREAS, Chapter 65 contains regulations pertaining to animals within the Township; and,

WHEREAS, according to the Humane Society of the United States ("HSUS"), inspection records show that many USDA-licensed breeders breed dogs or cats in relatively inhumane conditions. These breeders are commonly referred to as "puppy mills" or "kitten factories." Documented problems of "puppy mills" include: over-breeding; inbreeding; veterinary care that doesn't meet the same standards as other breeders; relatively poor quality of food and shelter; lack of human socialization; and overcrowded cages; and

Response: Yes, there are sub-standard commercial breeding facilities in the United States that must be shutdown. But, New Jersey State Law requires pet stores to ONLY source from USDA licensed and inspected breeders. There are only about 1,500 USDA breeders in the entire United States. Further, NJ State Law only allows us to source from breeders with near perfect inspections, so the pool available in New Jersey is significantly smaller. USDA breeder inspections not only cover animal health and husbandry but also facilities management, housing & shelter, exercise & socialization plans, cleaning and sanitation policies, record-keeping, personnel qualifications and of course veterinary care. Also, in many cases breeders are further beholden to state, county and local requirements and inspections. Most participate in regular breeder conferences and continuing education to improve animal care and stay up to date on proper and improving animal husbandry practices.

WHEREAS, dogs bred in puppy mills are more likely to have behavior and/ or health problems. While kitten factories are not as common as puppy mills, similar problems are reported regarding kitten factories; and,

Response: Our dogs are seen, at a minimum, every 14 days by a New Jersey licensed veterinarian, and must pass strict health inspections before they can leave our stores. If one of our puppies has a hereditary disease or becomes sick customers are eligible to be reimbursed for their dog's medical expenses for up to two times their dogs purchase price. You will not get such warranties and consumer protections from a shelter or rescue. It is in ours and our customers best interests to that every new family member going home is happy and healthy, and we spare no expense to ensure every animal in our care meets our high standards.

WHEREAS, according to the American Society for the Prevention of Cruelty to Animals ("ASPCA"), fearful behavior and lack of socialization with humans and other animals are common characteristics of dogs from "puppy mills" and kittens from "kitten factories"; and,

Response: This is simply not true. While there may be situations where a puppy becomes sick or has behavioral issues, this could be true of dogs obtained in any manner – whether direct from a breeder, a pet store, a shelter, rescue or stray.

WHEREAS, N.J.S.A. 4:19-15.8 contemplates municipal approval as a prerequisite to the establishment of pet shops for the retail sale of dogs and cats; and,

WHEREAS, the Mayor and Township Committee finds that, in addition to State and Federal laws, the Township has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs and cats; and,

Response: New Jersey's Pet Purchase Protection Act has a robust system of regulation that keeps inhumane puppy mill puppies out of pet stores and offers strict consumer protections, including the payment of veterinarian bills and related expenses. Wall residents will be forced to turn to the internet, where the Better Business Bureau says a shocking 80% of sponsored advertisements about pets may be fake" or travel great distances to get their family puppy. Something that is just not possible or practical for many families. Pet store bans that require stores like ours to obtain puppies only from shelters and nonprofit organizations do nothing to stop sub-standard breeders.

WHEREAS, in August of 2018, members of the Girl Scouts of America contacted the Mayor of Wall Township and urged the Mayor and Committee to take action to restrict the sale of dogs and cats and these scouts subsequently provided draft language to be used in the Township of Wall Code to effectuate this goal; and,

WHEREAS, the Mayor and Township Committee recognize that not all dogs and cats retailed in pet shops are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet shops as a "puppy mill" or "kitten factory," but it wishes to facilitate the reduction/ elimination of the practice; and,

Response: Pet store bans do nothing to stop sub-standard breeders. The Washington Post Report demonstrates that a large number of "commercially bred dogs continue going to consumers in places with the municipal bans. A rescue and shelter only model will allow puppy mills to prosper.

WHEREAS, the Mayor and Township Committee agree that restricting the sale of dogs and cats in retail establishments to those that are obtained from animal shelters and rescue organizations will improve animals' lives and will reduce the cost to the public for sheltering such needy animals; and,

Response: Shelter over-population is a myth in New Jersey. There are also not enough locally bred puppies to meet the demand of New Jersey's residents. Purebred and newer hybrid breeds are almost impossible to find in shelters and at rescues. Shelters and rescues are under-populated with the kind of rescue dogs people are looking to adopt, which is why so many of them are importing dogs from Georgia, South Carolina, Puerto Rico, Turks & Caicos and even South Korea. In 2016, nearly 8,000 known dogs were imported into New Jersey shelters from outside the state because of demand. Countless more cannot be tracked. A system that demands dogs be sold only through rescues and shelters removes all accountability, consumer protections, and ability to ensure that "puppy mill" puppies remain out of New Jersey.

WHEREAS, the Mayor and Township Committee believe that a ban on the retail sale of dogs and cats procured from sources other than animal shelters and rescue organizations (or

displayed in cooperation with animal shelters or rescue organizations) will provide community awareness of animal welfare, and in turn, will encourage a more humane environment in the Township and will be in the best interests of the public health, safety and welfare, and in the best interests of the dogs and cats in the Township; and

Response: Nationwide, only about 4% of dogs come from pet stores, the 19 stores in New Jersey provide even fewer. We serve a niche in the marketplace looking for a specific breed or one that addresses specific situations. For example, our clients frequently have allergy issues, special needs requiring guaranteed temperament, or size requirements due to housing situations, personal limitations, or lifestyle. Locally owned and operated stores can provide a puppy that fits these requirements, therefore beginning a relationship that increases the likelihood of a successful, lifelong match and actually reduces the odds of burdening a shelter with a surrendered pet.

There are many reputable shelters in New Jersey that offer great pets for adoption. And, of course, we fully support their efforts. However, pet shops are regulated; shelters and rescues are not. There are no meaningful rules for shelters and rescues in New Jersey and no consumer protections required if your adopted puppy gets sick.

A system that demands dogs be sold only through rescues and shelters removes all accountability, consumer protections, and ability to ensure that "puppy mill" puppies remain out of New Jersey.

WHEREAS, the Township Committee of the Township of Wall finds that it is in the best interests of the citizens of the Township of Wall to amend and supplement Chapter 65 as set forth below; and

Response: New Jersey remains a leader in animal protection. The Pet Purchase Protection Act is the most demanding law of its kind in the country, yet its protections would disappear with the "shelter and rescue" model. All puppies sold in pet stores in New Jersey come from breeders licensed by the United States Department of Agriculture, who are regularly inspected (including unannounced inspections), and comply with very strict standards of care. Together, our own principles and complementary state and federal laws ensure that New Jersey has the most comprehensive animal welfare standards for pet stores in the country.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:
Section 1. Chapter 65 entitled "Animals" shall be amended by creating Article III entitled "Regulation of Pet Sales," which shall read in its entirety as follows:

Article III. Sale of Dogs and Cats

§ 65-26. Definitions.

Animal Care Facility shall mean any facility operated by a nonprofit humane agency, municipal agency, or any other authorized agent for the Township for the purpose of impounding or caring for animals held under the authority of this Chapter or State Law.

Kennel shall mean any establishment wherein or whereon the business of boarding and/ or breeding dogs or cats for sale is carried on, except a pet shop.

Kennel operator shall mean a person who owns or operates a kennel, or both.

Legal existing nonconforming use shall mean any pet store or pet store operator that displayed, sold, delivered, offered for sale, or otherwise disposed of dogs or cats in the Township prior to August 29, 2016.

Pet Shop or Pet Store shall mean retail establishments open to the public wherein animals, included,

but not limited to dogs or cats, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

Pet shop operator or pet store operator shall mean a person who owns or operates a pet store, or both.
Pound shall mean an establishment for the confinement of dogs or other animals seized either under the provisions of N.J.S.A. 4: 19-15.1 et seq. or otherwise.

Rescue Organization shall mean any facility where homeless, stray, abandoned, rescued or unwanted animals are received, harbored, maintained or made available for adoption to the general public and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of the cruelty to animals or other nonprofit or tax-exempt organization devoted to the welfare, protection of humane treatment of animals.

§ 65-27. Prohibited acts; exceptions.

All pet shops, pet shop owners, kennels or kennel operators shall only sell, offer for sale, barter, auction, breed or otherwise dispose of dogs and cats in the Township of Wall that were obtained from a licensed animal shelter or rescue organization or in cooperation with a licensed animal shelter or rescue organization.

No pet shop, pet shop owner, kennel or kennel operator may sell, offer for sale, barter, auction, breed or otherwise dispose of dogs and cats in the Township of Wall that were acquired from a source other than a licensed animal shelter or rescue organization, unless said acquisition was in cooperation with a licensed animal shelter or rescue organization.

No pet shop, pet shop owner, kennel or kennel operator may sell, offer for sale, barter, auction, breed or otherwise dispose of dogs and cats in the Township of Wall that are younger than eight weeks old.

This section shall not apply to legally existing nonconforming uses or to the adoption of dogs or cats, or both.

Nothing contained herein shall prohibit a shelter, pound or other establishment from keeping, displaying, selling, or otherwise transferring any dog, cat or both, that has been seized, rescued or donated.

§ 65-28. Violations and penalties.

- A. Any person who violates, or fails or refuses to comply with, anyone or more provisions of this article shall be subject to a fine of not more than \$2,000, or up to the maximum amount permitted by state law, for each separate offense, or confinement in the Monmouth County Jail for a period of not more than 90 days, or community service for a period of not more than 90 days, or any combination of fine, imprisonment and/or community service, as determined at the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be subject to penalties as provided herein for each separate offense.
- B. The violation of anyone or more provisions of this article shall be subject to abatement, summarily by a restraining order or by injunction issued by a court of competent jurisdiction.

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 3. Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication according to law.

Introduced: October
Adopted: 24,2018

Attest:
Roberta M. Lang, RMC

Township Clerk

Approve:
Timothy Farrell
Mayor