

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 23-18
(Adoption)**

**AN ORDINANCE AMENDING CHAPTER 96, "ANIMALS", OF THE
BOROUGH CODE TO MODIFY §96-1 AND §96-29 AND TO CREATE
ARTICLE III - PROHIBITING THE SALE OF DOGS AND CATS IN
RETAIL STORES**

WHEREAS, puppies and kittens sold in pet stores often come from large-scale, commercial breeding facilities where the health and welfare of the animals, including the provision of adequate space, exercise, veterinary care, and food, water and shelter, are not provided for adequately; and

WHEREAS, these conditions may lead to health and behavioral issues in the animals, which many consumers are unaware of when purchasing puppies and kittens from pet stores; and

WHEREAS, prohibiting the sale of puppies and kittens from pet stores may decrease the demand for animals bred in mills, and may increase demand for pets from animal shelters and rescue organizations; and

WHEREAS, many independent pet stores, as well as large chains, operate successfully with a business model focused on the sale of pet services and supplies, and not on the sale of dogs and cats, and often provide space and support to local animal shelters and rescue organizations to showcase adoptable homeless pets on their premises; and

WHEREAS, this Ordinance is not intended to affect a consumer's ability to obtain a dog or cat of their choice directly from a rescue organization, shelter, or hobby breeder where the consumer can view the conditions in which the dog or cat is bred and can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Governing Body of the Borough of Hillsdale believes that it is in the best interest of the Borough to prohibit the sale of dogs and cats from retail pet shops.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Hillsdale, County of Bergen, State of New Jersey, as follows:

Chapter 96, Animals, § 96-1 and § 96-29, "Definitions", of the Borough Code is hereby amended to add or modify the following definitions:

ANIMAL RESCUE ORGANIZATION

Shall mean any non-profit organization that 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. "Animal rescue organization" does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel

in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

HOBBY BREEDER

Shall mean a noncommercial establishment where one or more breeds of dog are kept for personal breeding and where the consumer can directly view the conditions in which the dogs are bred and can confer directly with the hobby breeder concerning those conditions.

OFFER FOR SALE

Shall mean 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

Shall mean a commercial retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale to the general public. Such definition shall not include an animal rescue organization, hobby breeder, kennel, or shelter.

SHELTER

Shall mean an animal control center, shelter or pound 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.

Chapter 96, Animals, of the Borough Code is hereby amended to add “ Article III, Sales of Dogs and Cats in Pet Shops Prohibited”, to read as follows in its entirety.

ARTICLE III SALE OF DOGS AND CATS BY PET SHOPS PROHIBITED

§ 96.-33. Restrictions on the sale of dogs and cats

- a. It is unlawful for a pet shop, as defined in § 96-1 and §96-29, to sell or offer for sale a dog or a cat.
- b. Nothing in this chapter shall be construed to prohibit a pet shop from providing space to an animal rescue organization or shelter, as defined in, to publicly showcase dogs or cats available for adoption.

§ 96-34. Violations and Penalties.

- a. A pet store that violates § 96-34 shall, upon conviction thereof, be punished by a fine of \$100 for a first offense per animal sold or offered to be sold, \$500 for a second or

subsequent offence per animal sold or offered to be sold, and any additional penalties in accordance with the Borough Code.

- b. Each sale or offer for sale made in violation of § 96-33 shall constitute a separate violation.
- c. In the event of a second or subsequent conviction, the court may require the establishment to cease all retail operations until such time as all animals in custody are transferred to a shelter or animal rescue organization.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.


All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

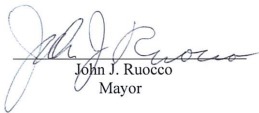
This Ordinance shall take effect upon passage and publication as provided by Law.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Escobar, John			X				
Fox, Justin			X				
Horvath, Zoltan	X		X				
Lundy, Abby			X				
Trochimiuk, Janetta		X	X				
Ruocco, John							

Adoption: November 9, 2023

Attest:


Denise Kohan
Municipal Clerk


John J. Ruocco
Mayor