

ORDINANCE NO. 2019 - 10

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, STATE OF NEW JERSEY AMENDING CHAPTER 61 OF THE TOWNSHIP CODE ENTITLED “SALE OF PUPPIES AND KITTENS”.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Chapter 61 of the Township Code entitled “Sale of Puppies and Kittens” is hereby amended and supplemented as follows:

SECTION 1. Section 61-1 of the Township Code entitled “Definitions” is hereby amended to add the following definitions:

BREEDER –a person who keeps houses or maintains dogs or cats for the purpose of breeding and selling their offspring.

BROKER –a person who transfers dogs or cats for resale by another.

PET DEALER - Any individual or establishment maintaining, owning, or operating an animal facility or engaging in the sale of animals to the public in a store or through the internet, including a breeder, dealer, or pet shop. Pet Dealers may only sell out of their homes if those dogs or cats were also bred and raised on the premises.

RESCUE ORGANIZATION – a not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code whose mission and practice is the rescue and rehoming of homeless or abandoned dogs and cats and the placement of those dogs or cats in permanent homes.

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SECTION 2. Section 61-2.1 is hereby added to the Ordinance and entitled “Rescue Organization” and shall read as follows:

§61-2.1 Rescue Organization.

An animal rescue organization operating in the Township must be a not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code whose mission and practice is the rescue of homeless or abandoned dogs and cats and the placement of those dogs or cats in permanent homes. An animal rescue organization may not breed dogs or cats, obtain dogs or cats from a breeder or broker in exchange for payment or compensation, or resell dogs or cats obtained from a breeder or broker and provide compensation to such breeder or broker. An animal rescue organization must keep a record of each dog or cat offered for adoption that must include the name and address of the person or entity whom the dog or cat was obtained from. All puppies and kittens offered for adoption by a rescue organization operating within the township must provide proof of spayed or neutered certification by a licensed veterinarian prior to being released for adoption. Such records must be kept on file for two (2) years and made available to the Township, or a representative of the Township, upon request.

SECTION 3. Section 61-3 entitled “Penalties” is hereby added and shall read as follows:

§61-3 Penalties.

Any person violating or failing to comply with any other provision of this article shall, upon conviction thereof, be punishable by a fine not less than \$100 and not more than \$500 by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The combination 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 punished as provided above for each separate offense.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 2nd day of April, **2019**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 7th day of May, **2019**, at 6:30PM. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

MICHELE RIVERS, RMC
Township of Barnegat

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee on the 2nd day of April 2019, and finally adopted after Public Hearing at a meeting held on the 7th day of May, 2019 in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ

Michele Rivers, RMC
Municipal Clerk

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