

TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE # 24-01

ORDINANCE PROHIBITING THE SALE OF DOGS AND CATS BY RETAIL PET STORES

**WHEREAS**, 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); and

**WHEREAS**, 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 mill facilities 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 due to both a lack of education on the issue and misleading tactics of pet shops in some cases; and

**WHEREAS**, these health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

**WHEREAS**, current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops; 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**, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually; and

**WHEREAS**, restricting the retail sale 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; and

**WHEREAS**, 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 a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

**WHEREAS**, the Town Council believes it is in the best interests of this Town to adopt reasonable regulations to reduce costs to the Town and its residents, protect the citizens of the Town 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 Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, the County of Hunterdon as follows:

**SECTION 1.** Section 64-1 entitled “Definitions” of the Code of the Town of Clinton (“Code”) is hereby amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

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

***ANIMAL RESCUE ORGANIZATION***

*A non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good 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*

***ANIMAL SHELTER OR SHELTER***

*A facility, whether located in or outside the State of [STATE], that is operated by or under contract with the [LOCALITY] for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.*

**CAT**

*A member of the species of domestic cat, Felis catus.*

**DOG**

*A member of the species of domestic dog, Canis familiaris.*

**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.

**HOBBY BREEDER**

*A person that barter, offers for sale, displays for sale, or sells, Cats, Dogs, or both, only from the premises on which they were bred or reared, resulting in no more than a total of one (1) litter per calendar year whether or not the animals in such litter are offered for sale or other transfer, and is in compliance with the Zoning Regulations of this Code.*

**KEEPER**

Any person exercising control over a dog or permitting a dog to remain on premises under his control.

**KENNEL**

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

**OWNER (when applied to the proprietorship of a dog or cat)**

Includes every person having a right of property in the dog *or cat* and every person who has a dog *or cat* in his keeping.

**PET SHOP**

~~Any room or group of rooms, cage or exhibition pen, not part of a kennel, where dogs are kept or displayed for sale.~~

**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.\*

**POTENTIALLY DANGEROUS DOG**

Any dog which has been declared potentially dangerous by a Municipal Judge pursuant to N.J.S.A. 4:19-23.

**POUND**

An establishment for the confinement of dogs seized either under the provisions of this article or otherwise.

**SHELTER**

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

**VICIOUS DOG**

Any dog which has been declared vicious by a Municipal Judge pursuant to N.J.S.A. 4:19-22.

**SECTION 2.** Section 64-3.1 of the Code entitled “Retail Pet Shops” is added as follows:

**§64-3.1-1 Prohibition on Sale of Dogs or Cats by Retail Pet Stores**

A. Notwithstanding any other provision of law to the contrary and subject to the exemptions provided in subsection (C) below, it is unlawful for a pet store, as defined in Section 64-1 of the Code, or any other retail store or shop to sell or offer for sale a dog or a cat.

B. Nothing in this section shall be construed to prohibit a pet store or any other retail store or shop within the Town of Clinton from providing space to an animal rescue organization or an animal shelter, as defined in Section 64-1 of the Code, to publicly showcase dogs or cats available for adoption.

C. Exemptions. The following shall not be considered pet stores and shall be exempt from the prohibitions of this Ordinance:

1. An animal care facility;

2. An animal rescue organization; and
3. Hobby Breeders.

**§64-3.1-2 Enforcement; Penalty for Violation.**

- A. A retail pet store that sells or offers for sale a dog or cat in violation of §64-3.1-1 shall be fined by a sum of \$500. Each sale or offer for sale in violation of §64-3.1-1 shall constitute a separate offense.
- B. The Town of Clinton Police Department, Zoning Officer, and / or Animal Control Officer shall be empowered to enforce this Section.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

**SECTION 4.** This Ordinance shall become effective 90 days after passage and publication according to law.