

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2010**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE
OF NEW JERSEY, AMENDING CHAPTER 5, ANIMAL CONTROL, OF THE
TOWNSHIP CODE TO PROHIBIT 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 Township Council of the Township of Mahwah believes that it is in the best interest of the Township to prohibit the sale of dogs and cats from retail pet shops.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 5, Animal Control, § 5-1, Definitions, of the Township Code is hereby amended add or modify the following definitions to read as follows:

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.

KENNEL

Shall mean any establishment wherein or whereon the business of boarding dogs is carried on.

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.

SECTION 2. Chapter 5, Animal Control, of the Township Code is hereby amended to add new § 5-8, Sales of Dogs and Cats in Pet Shops Prohibited, to read as follows in its entirety.

§ 5-8. SALE OF DOGS AND CATS BY PET SHOPS PROHIBITED

§ 5-8.1. Restrictions on the sale of dogs and cats

- a. It is unlawful for a pet shop, as defined in § 5-1, 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.

§ 5-8.2. Violations and Penalties.

- a. A pet store that violates § 5-8.1 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 § 1-5 of the Township Code.

- b. Each sale or offer for sale made in violation of § 5-8.1 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.

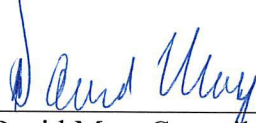
SECTION 3. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

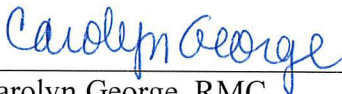
Introduced: June 5, 2023
Adopted: June 19, 2023
Effective Date: July 10, 2023

TOWNSHIP OF MAHWAH



David May, Council President

ATTEST:



Carolyn George, RMC
Municipal Clerk