

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE 2018 -35

**AN ORDINANCE AMENDING CHAPTER 70
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED “ANIMALS”**

WHEREAS, Chapter 70 of the Code of the City of Union City (the “Code”) entitled “Animals” sets forth the governing standards of animals within the City of Union City (the “City”); and

WHEREAS, the Board of Commissioners (“Board”) believes it is in the best interests of this City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of this City 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 human environment in the City; and

WHEREAS, a significant number of puppies and kittens sold at pet shops are sourced from large-scale, commercial breeding facilities where the health and welfare of the animals are substandard (hereinafter, “Puppy mills” and “Kitten mills”). According to the Humane Society of the United States (“HSUS”), inspection records show that many USDA-licensed breeders breed dogs and cats in relatively inhumane conditions. According to the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually. Documented problems of puppy and kitten mills include: over breeding; inbreeding; substandard veterinary care; poor quality of food and shelter; lack of human socialization; and overcrowding; 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. The health and behavioral issues, which may not present themselves in the animal until sometime after purchase, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, the Board wishes to express its support for the humane care and treatment of animals, promote community awareness of the issue of Puppy and Kitten mills and encourage individuals and families to adopt dogs and cats from animal rescue organizations or purchase their pets from licensed reputable and conscientious breeders; and

WHEREAS, the Board recognizes that not all animals retailed in pet shops are products of inhumane breeding conditions and would not classify every commercial breeder selling animals to pet shops as a puppy or kitten mill and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances “as it may deem necessary and proper for the good government, order and protection of persons and property, and for the

preservation of the public health, safety and welfare of the municipality and its inhabitants,” pursuant to N.J.S.A. 40:48-2; and

WHEREAS, in furtherance of and in reliance upon the aforementioned statutes, the Board finds it to be in the best interest of the City and its citizens to amend the ordinance to add requirements for commercial breeders; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE:

Chapter 70 entitled “Animals” of the Code of the City of Union City is hereby amended and revised to add and create a new **Article IV** adding Sections 70-22, 23, 24, 25, 26, 27, and 28 to read as follows:

SECTION 70-22 - DEFINITIONS.

- A. Animal means cat or dog.
- B. Pet Shop means any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

SECTION 70-23 - PROHIBITED ACTS.

- A. Pet Shop(s) or Pet Shop owner(s) or operator(s) shall not improperly and unlawfully sell or offer for sale, barter, auction, breed, maintain, or otherwise dispose of animals in the City.
- B. Nothing in this subsection or subsection C below shall be construed as prohibiting or otherwise preventing a Pet Shop or Pet Shop owner or operator from:
 - 1. purchasing for resale or adoption, selling, or offering for adoption, an animal purchased or otherwise obtained from:
 - i. a publicly operated animal control facility;
 - ii. an animal rescue organization or pound;
 - iii. a shelter whose primary mission and practice is the placement of abandoned, unwanted, neglected, or abused animals and that is also a tax exempt organization under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code (26 U.S.C. §501), or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended.
- C. No pet shop shall sell or offer for sale, or purchase for resale whether or not actually offered for sale by the pet shop, any animal purchased from any breeder or broker who:

(1) is not in compliance with the requirements concerning the maintenance and care of animals and the sanitary operation of kennels, pet shops, shelters and pounds established in rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14) at the time of purchase of the animal by the pet shop;

(2) is not in possession of a current license issued by the USDA pursuant to 9 C.F.R. s.1.1 et seq.;

(3) is not in possession of all other licenses required for a breeder or broker by the state in which the breeder or broker is located;

(4) has been cited on a USDA inspection report for a direct violation of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase of the animal by the pet shop;

(5) has been cited on a USDA inspection report during the two-year period prior to the purchase of the animal by the pet shop for three or more indirect violations of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60, 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125 through 3.142 of Title 9 of the Code of Federal Regulations;

(6) is cited on the two most recent USDA inspection reports prior to the purchase of the animal by the pet shop for no-access violations pursuant to enforcement of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq.; or

(7) directly or indirectly obtained the animal from a breeder, broker, or other person, firm, corporation, or organization to whom paragraph (1), (2), (3), (4), (5), or (6) of this subsection applies.

SECTION 70-24 - VIOLATIONS AND PENALTIES.

- A. Any person who shall violate any provision of Section 70-23 shall, upon conviction, be punished by:
1. a fine of not more than \$1,000 for each violation; and/or
 2. Community service for a period not more than ninety (90) days.
- B. Each day's failure to comply with any provision, rule or other shall constitute a separate and distinct offense.
- C. Any person who is convicted of violating any provision of Section 70-23 of the Code of the City of Union City, within one year of the date of a previous violation of that same provision, and who was fined for the previous violation, shall be sentenced to an additional fine as a repeat offender.

SECTION TWO:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR:

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE:

This Ordinance shall take effect upon passage and publication as required by law.

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	x			
Wendy Grullon	x			
Celin J. Valdivia	x			
Maryury A. Martinetti	x			
Mayor Brian P. Stack	x			

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on November 13, 2018 and was further considered and adopted after a Public Hearing held on November 27, 2018 at Emerson Middle School, 318-18th Street, Union City, New Jersey.

INTRODUCED: November 13, 2018

ADOPTED: November 27, 2018

ATTEST:

Erin Knoedler
City Clerk

Date