

Ordinance No. 2024-#16

AN ORDINANCE TO AMEND CHAPTER 32 – ANIMALS, TO ADD ARTICLE VI PET SHOPS OF THE REVISED ORDINANCES OF THE BOROUGH OF WALDWICK TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL PET STORES IN WALDWICK

BE IT ORDAINED that the Municipal Council of the Borough of Waldwick hereby amends Chapter 32 – Animals to add Article VI Pet Shops of the Revised Ordinances of the Borough of Waldwick to prohibit the sale of dogs and cats by retail pet store in Waldwick as follows:

**ARTICLE VI
Pet Shops**

A. Definitions.

For the purposes of this Article, the following terms shall have the following meanings:

Retail pet store means a commercial establishment that sells or offers for sale animals on its premises at retail.

Sell or offer for sale means to display for sale or to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

Animal rescue organization means 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 means a facility, whether located in or outside the State of NJ, that is operated by or under contract with the Borough of Waldwick for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.

B. Prohibition on Sale of Dogs or Cats by Retail Pet Stores.

1. Notwithstanding any other provision of law to the contrary, it is unlawful for a retail pet store, as defined in Section A, to sell or offer for sale a dog or a cat.
2. Nothing in this section shall be construed to prohibit a retail pet store from providing space to an animal rescue organization or an animal shelter, as defined in Section A, to publicly showcase dogs or cats available for adoption.

C. Penalty for violation.

A retail pet store that sells or offers for sale a dog or cat in violation of Section B shall be fined by a sum of \$500. Each sale or offer for sale in violation of Section B shall constitute a separate offense.

This ordinance shall take effect from and after [#] days from the date of its passage.

INTRODUCED: April 9, 2024

ADOPTED: April 23, 2024

Attest: _____
Kelley Halewicz, RMC/CMC
Municipal Clerk

Thomas A. Giordano, Mayor