

#13-21

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 381-4, "DEFINITIONS", AND INTRODUCING A NEW SECTION 381-15, "PROHIBITED ACTIONS" AND RE-CODIFYING AS SECTION 381-16, "VIOLATIONS", AND AMENDING SAME TO PROVIDE FOR PENALTIES FOR VIOLATORS OF SECTION 381-15 TO BAN THE SALE OF CATS IN PET SHOPS IN THE TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY

WHEREAS, according to the Humane Society of the United States ("HSUS") inspection records show that many USDA-licensed breeders breed cats in inhumane conditions. These breeders are commonly referred to as "kitten factories" and documented problems include: over-breeding; inbreeding; veterinary care that doesn't meet the same standards as other breeders; relatively poor quality of food and shelter; lack of human socialization; and overcrowded cages; and

WHEREAS, animals bred in such conditions are more likely to have behavior and/or health problems, and, according to the American Society for the Prevention of Cruelty to Animals ("ASPCA"), fearful behavior and lack of socialization with humans and other animals are common characteristics of animals bred in such conditions; and

WHEREAS, N.J.S.A. 4:19-15.8 contemplates municipal approval as a prerequisite to the establishment of pet shops for the retail sale of dogs and cats; and

WHEREAS, the Township Council of the Township of North Brunswick ("Township Council") finds that, in addition to State and Federal laws, the Township of North Brunswick has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of cats; and

WHEREAS, although the Township Council recognizes that not all cats retailed in pet shops are products of inhumane breeding conditions and would not classify every commercial breeder selling cats to pet shops as a "kitten factory", it is the Township Council's belief that kitten factories continue to exist in part because of public demand for the sale of cats in pet shops; and

WHEREAS, the Township Council believes that a ban on the retail sale of cats in pet shops in North Brunswick will encourage pet owners and prospective pet owners to adopt needy cats from animal shelters, thereby saving animals' lives and reducing the cost to the public for sheltering such needy animals; and

WHEREAS, the Township Council believes that a ban on the retail sale of cats in pet shops will provide community awareness of animal welfare, and, in turn, will encourage a more humane environment in North Brunswick and will be in the best interests of the public health, welfare and safety and be in the best interests of the cats of North Brunswick.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that Section 381-4, Definitions, of Chapter 381, Cats, of the Code of the Township of North Brunswick, be and is hereby amended and supplemented to include definitions of “Pet Shop” and “Pet Shop Operator”, as follows:

§381-4. Definitions.

§381-4 shall remain unchanged and in full force and effect, except that the definitions of: “Pet Shop” and “Pet Shop Operator” shall be adopted as follows:

PET SHOP – A retail establishment open to the public and engaging in the business of selling dogs or cats or both, at retail. Any person who sells, exchanges, or otherwise transfers only animals that were bred and reared on the premises owned by the person shall be considered a breeder and not a pet store.

PET SHOP OPERATOR – Means a person who owns or operates a pet store, or both.

BE IT FURTHER ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that a new Chapter 381, Cats, of the Code of the Township of North Brunswick, be and is hereby amended and supplemented to include a new Section 381-15, Prohibited Actions, to forbid the sale of cats in Pet Shops and to re-codify the previous Section 381-15, Violations, as a new Section 381-16, Violations, and to provide for penalties for violators of §381-15, as follows:

§381-15. Prohibited Actions.

No pet shop or pet shop operator shall sell, offer for sale, barter, auction, breed or otherwise improperly sell or dispose of cats in the Township of North Brunswick. Nothing contained herein shall prohibit a shelter, pound or other establishment from keeping, displaying, selling or otherwise transferring any cat that has been seized, rescued or donated.

§381-16. Violations and Penalties.

A. No person shall commit any act of cruelty or shall treat any cat in an inhumane manner. Any person who shall violate this subsection shall be subject to a fine not to exceed \$250.

B. Unattended cat in a vehicle. No person shall leave any cat unattended in a vehicle under inhumane conditions adverse to the health or welfare of the cat. Any person who shall violate this subsection shall be subject to a fine not to exceed \$250.

C. Abandonment of a cat. No person shall abandon a cat. Any person who shall violate this subsection shall be subject to a fine of \$500. Any person who shall abandon a cat near a roadway shall be subject to a fine of \$1,000.

D. Barter or sale of cat flesh, fur or hair. No person shall knowingly sell, barter or offer for sale or barter, at wholesale or retail, the flesh, fur or hair of a domestic cat or any product made in whole or in part from the flesh, fur or hair of a domestic cat. This subsection shall not apply to the sale or barter, or offering for sale or barter, of the fur or hair of a domestic cat cut at a commercial grooming establishment or at a veterinary office or clinic or for scientific research purposes. Any person who shall violate this subsection shall be subject to a fine not to exceed \$1,000.

E. Anyone in violation of §381-15, Prohibited Actions, shall be subject to a fine of \$1,250.00.

F. Unless otherwise specified in this article, any person who violates or refuses to comply with any provision of this article shall be subject to a fine not exceeding \$100 or to imprisonment for a period not exceeding 20 days.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

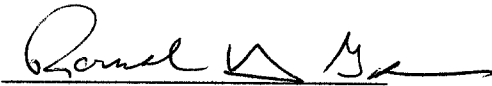
BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

TITLE

This Ordinance shall be known and may be cited as the Ordinance Amending and Supplementing Chapter 381, Cats of the Code of the Township of North Brunswick, to ban the sale of cat from pet shops.

Robert Lombard
Business Administrator



Ronald H. Gordon, Esq.
Township Attorney
Approved as to legal form

#13-21

RECORDED VOTE FIRST READING

10-7-13

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
NARRA	✓			
NICOLA	A			
ANDREWS 1	✓			
CORBIN	✓			
SOCIO 2	✓			
DAVIS	A			
MAYOR WOMACK				

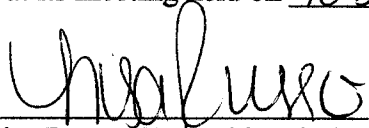
RECORDED VOTE SECOND READING

10-21-13

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
NARRA	✓			
NICOLA	A			
ANDREWS 1	✓			
CORBIN	✓			
SOCIO	✓			
DAVIS 2	✓			
MAYOR WOMACK				

CERTIFICATION


I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on 10-21, 2013.


 Lisa Russo, Township Clerk

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication in accordance with applicable law.

- APPROVED
- REJECTED


 Francis Womack, Mayor
 Township of North Brunswick

Date signed: 10/21, 2013