

**BOROUGH OF MANASQUAN**

**ORDINANCE NO. 2120-12**

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 5 (ANIMAL CONTROL) BY CREATING SECTION  
5-12 (SALE OF DOGS AND CATS) PROHIBITING THE  
RETAIL SALE OF DOGS AND CATS IN PET SHOPS IN THE  
BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY.**

**WHEREAS**, according to the Humane Society of the United States (“HSUS”), inspection records show that many USDA-licensed breeders breed dogs or cats in relatively inhumane conditions. These breeders are commonly referred to as “puppy mills” or “kitten factories”. Documented problems of “puppy mills” 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. Dogs bred in “puppy mills” are more likely to have behavior and/or health problems. While “kitten factories” are not as common as “puppy mills”, similar problems are reported regarding “kitten factories”; and

**WHEREAS**, 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 dogs from “puppy mills” and kittens from “kitten factories”; and

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

**WHEREAS**, the Borough Council believes that a community that promotes animal welfare will be a healthier community; and

**WHEREAS**, the Borough Council recognizes that not all dogs and cats retailed in pet shops are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet shops as a “puppy mill” or “kitten factory”, it is the Borough Council’s belief that “puppy mills” and “kitten factories” continue to exist in part because of public demand for the sale of dogs and cats in pet shops; and

**WHEREAS**, the Borough Council finds that the retail sale of dogs and cats in pet shops in the Borough of Manasquan is inconsistent with the Borough’s goal to be a community that cares about animal welfare; and

**WHEREAS**, the Borough Council believes that a ban on the retail sale of dogs and cats in pet shops will provide community awareness of animal welfare and, in turn, will foster a more humane environment in the Borough of Manasquan; and

**WHEREAS**, the Borough Council believes that a ban on the retail sale of dogs and cats in pet shops located in the Borough of Manasquan will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals, and

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**Section 1:** Chapter 5 entitled “Animal Control” is amended by creating Section 5-12, entitled “Sale of Dogs and Cats”, which shall read in its entirety as follows:

5-12 SALE OF DOGS AND CATS

### 5-12.1 Definitions

*Kennel* shall mean any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

*Kennel operator* shall mean a person who owns or operates a kennel, or both.

*Pet Shop* or *Pet Store* shall mean retail establishments open to the public wherein animals, included, but not limited to, dogs or cats, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

*Pet shop operator* or *pet store operator* shall mean a person who owns or operates a pet store, or both.

*Pound* shall mean an establishment for the confinement of dogs or other animals seized either under the provisions of N.J.S.A. 4:19-15.1 et seq. or otherwise.

*Shelter* shall mean any establishment where dogs or other animals are received, housed and distributed.

### 5-12.2 Prohibition

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

### 5-12.3 Violations and penalties

- A. Any person who violates, fails or refuses to comply with the provisions of this article shall be subject to a fine of not more than \$2,000 for each separate offense or confinement in the Monmouth County Jail for a period of not more than 90 days or community service for a period of not more than 90 days or any combination of fine, imprisonment and/or community service as determined at the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be subject to penalties as provided herein for each separate offense.
- B. The violation of any one or more provisions of this article shall be subject to abatement, summarily by a restraining order or by injunction issued by a court of competent jurisdiction.

### **Section 2:** Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

**NOTICE**

**PUBLIC NOTICE IS HEREBY GIVEN** that Ordinance No. 2120-12 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 6<sup>th</sup> day of August 2012, and read for the first time. The said Ordinance is going to be considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 p.m. on the 20<sup>th</sup> day of August, 2012. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

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**BARBARA ILARIA, RMC**  
**Municipal Clerk**

Mark G. Kitrick, Esquire  
Municipal Attorney  
635 Duquesne Boulevard  
Brick, NJ 08723

Passed on First Reading and Introduction: August 6, 2012  
Approved on Second Reading and Final Hearing: August 20, 2012

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**GEORGE R. DEMPSEY, JR.**  
Mayor