

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

**ORDINANCE**

**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 reputable and conscientious breeders; and

**WHEREAS**, although 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,” it is the Board’s belief that puppy and kitten mills continue to exist in part due to the public demand for the sale of puppies and kittens in pet shops; 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 adopt an ordinance that prohibits a pet shop or pet shop owner or operator from selling, offering for sale, bartering, auctioning, breeding or otherwise improperly disposing of animals in the City unless the animal is obtained from an animal care facility, rescue organization, or shelter.

**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:

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. No Pet Shop or Pet Shop owner or operator shall sell or offer for sale, barter, auction, breed or otherwise improperly sell or dispose of animals in the City.
- B. Nothing in this subsection 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.

#### 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 70-25 - APPLICABILITY

The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of Chapter 70 of this Code, which shall remain in full force and effect.

SECTION 70-26 - SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 70-27 - REPEALER

All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 70-28 - EFFECT

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

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on \_\_\_\_\_ 2016 and will be further considered after a Public Hearing held on \_\_\_\_\_ at the \_\_\_\_\_ at \_\_\_\_\_ m.

INTRODUCED:

ADOPTED:

ATTEST:

\_\_\_\_\_  
Dominick Cantatore

\_\_\_\_\_  
DATE

Acting City Clerk

Summary of Ordinance

This ordinance prohibits a pet shop or pet shop owner or operator from selling, offering for sale, bartering, auctioning, breeding or otherwise improperly disposing of animals in the City unless the animal is obtained from an animal care facility, rescue organization, or shelter.